By Mr. VAN DEERLIN:

H.J. Res. 1030. Joint resolution authorizing the continued shipment of the drug Krebiozen in interstate commerce in order to insure the continued availability of such drug for the treatment of patients now being treated with such drug and for terminal cancer patients; to the Committee on Interstate and Foreign Commerce.

By Mr. STAEBLER:

H.J. Res. 1031. Joint resolution to establish a Tercentenary Commission to commemorate the advent and history of Father Jacques Marquette in North America, and for other purposes; to the Committee on the Judiciary.

By Mr. BRUCE:

H. Con. Res. 306. Concurrent resolution requesting the President to instruct the U.S. Ambassador to the United Nations to bring before the General Assembly the issue of self-determination for all nations enslaved by Communist imperialism; to the Committee on Foreign Affairs.

By Mr. DEL CLAWSON:

H. Con. Res. 307. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, Latvia, and other Communist-controlled countries; to the Committee on Foreign Affairs.

By Mr. TAFT:

H. Res. 728. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McFALL:

H.R. 11339. A bill for the relief of Charles M. Weber; to the Committee on the Judiciary.

By Mr. MADDEN:

H.R. 11340. A bill for the relief of Herman Feldman; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 11341. A bill for the relief of the survivors of Justin E. Burton; to the Committee on the Judiciary.

By Mr. MORRISON (by request):

H.R. 11342. A bill for the relief of Dr. Abraham Ruchwarger; to the Committee on the Judiciary.

By Mr. OLSEN of Montana:

H.R. 11343. A bill for the relief of John Muller; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 11344. A bill for the relief of Joseph Benrubi; to the Committee on the Judiciary.

SENATE

WEDNESDAY, MAY 20, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God over all, whose breath is our life, whose fire lightest the lamp of our being, and feedest the flame of it: As we come out of all the confusion and perplexity of these days, with a subduing consciousness of our personal inadequacy to meet the tests and tasks that face us, hear the prayer of our hearts:

Breathe on me, breath of God
Till I am wholly Thine,
Till all this earthly part of me
Glows with Thy fire divine.

We are grateful for this white altar of prayer, reared at the threshold of this forum of a people's will, which speaks of our final reliance on the supreme spiritual factors which alone abide, and on which our salvation and the salvation of all men in the end depend.

As workers together with Thee, may we have a part in building the new world for which brave men have paid the costly price, a fairer earth wherein all nations may dwell together in trust and fellowship.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 19, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Ratchford, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As an executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting several nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that, pursuant to the provisions of 20 United States Code 42 and 43, the Speaker had appointed Mr. MAHON, of Texas, as a member of the Board of Regents of the Smithsonian Institution, to fill the existing vacancy thereon.

The message also informed the Senate that, pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed as a member of the Committee To Investigate Nonessential Federal Expenditures Mr. SHEPPARD, of California, a member of the House Committee on Appropriations, to fill the existing vacancy thereon.

The message further informed the Senate that, pursuant to the provisions of section 4, Public Law 106, 84th Congress, the Speaker had appointed as a member of the Joint Congressional Committee on Construction of a Building for a Museum of History and Technology for the Smithsonian Institution, Mr. MAHON, of Texas, to fill the existing vacancy thereon.

The message announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6385. An act for the relief of Wolfgang Seidl;

H.R. 6442. An act for the relief of Jasper E. Tate; and

H.R. 8709. An act for the relief of Eugene R. Wooster, Jr.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H.R. 6385. An act for the relief of Wolfgang Seidl;

H.R. 6442. An act for the relief of Jasper E. Tate; and

H.R. 8709. An act for the relief of Eugene R. Wooster, Jr.

ORDER FOR RECESS TO 10 A.M., TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock, tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of a quorum call, there be a morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 242 Leg.]

Aiken	Gruening	Mundt
Allott	Hart	Nelson
Anderson	Hartke	Neuberger
Bartlett	Hickenlooper	Pastore
Bayh	Holland	Pearson
Beall	Hruska	Pell
Bennett	Humphrey	Prouty
Bible	Inouye	Proxmire
Boggs	Jackson	Randolph
Burdick	Javits	Ribicoff
Byrd, W. Va.	Jordan, N.C.	Robertson
Cannon	Jordan, Idaho	Russell
Carlson	Keating	Saltonstall
Case	Kennedy	Scott
Church	Kuchel	Simpson
Clark	Lausche	Smathers
Cooper	Long, Mo.	Smith
Cotton	Mansfield	Stennis
Curtis	McCarthy	Symington
Dirksen	McClellan	Talmadge
Dodd	McGee	Walters
Dominick	McGovern	Williams, N.J.
Douglas	McIntyre	Williams, Del.
Ellender	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Goldwater	Monroney	Young, Ohio
Gore	Moss	

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr.

FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Alabama [Mr. HILL], the Senator from Michigan [Mr. MCNAMARA], the Senator from Maine [Mr. MUSKIE], the Senator from Alabama [Mr. SPARKMAN], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. MECHEM] is necessarily absent.

The Senator from Kentucky [Mr. MORTON] and the Senator from Texas [Mr. TOWER] are detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION FOR PAYMENT OF CLAIMS AGAINST THE UNITED STATES (S. Doc. No. 74)

A communication from the President of the United States, transmitting a proposed supplemental appropriation in the amount of $2,296,890 to pay claims against the United States (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

REPORT ON AGREEMENTS UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, Washington, D.C., transmitting, pursuant to law, a report on agreements signed under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, during the month of April 1964 (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF BALANCES OF FOREIGN CURRENCIES ACQUIRED WITHOUT PAYMENT OF DOLLARS

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1963 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF VIRGIN ISLANDS CORPORATION

A letter from the Chairman of the Board of the Virgin Islands Corporation, Christiansted, St. Croix, V.I., transmitting, pursuant to law, a report of that board for the year ended June 30, 1963 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON MEMORIAL CERTIFICATE PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Memorial Certificate Program, established without legal authority, the Veterans Administration, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS BEING INCURRED BY LEASING TELETYPE EQUIPMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs being incurred by leasing teletype equipment rather than using available Government-owned equipment, Department of Defense, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Women of the Church of the Atonement, Washington, D.C., favoring the enactment of H.R. 7152, the so-called civil rights bill, in its present form, which was ordered to lie on the table.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on Disposition of Executive Papers, to which was referred, for examination and recommendation, a list of records transmitted to the Senate by the Archivist of the United States, on May 13, 1964, which appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER (by request):

S. 2859. A bill to amend the Commodity Exchange Act, as amended; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. ELLENDER when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING:

S. 2860. A bill for the relief of Mrs. Caterina Cona; to the Committee on the Judiciary.

By Mr. MOSS:

S. 2861. A bill to waive the statute of limitations in a certain case; to the Committee on the Judiciary.

By Mr. NELSON (for himself and Mr. WILLIAMS of New Jersey):

S. 2862. A bill to facilitate the management, use, and public benefits from the Appalachian Trail, a scenic trail designed primarily for foot travel through natural or primitive areas, and extending generally from Maine to Georgia; to facilitate and promote Federal, State, local, and private cooperation and assistance for the promotion of the trail, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of Virginia:

S. 2863. A bill for the relief of Cato Brothers, Inc.; to the Committee on the Judiciary.

AMENDMENT OF THE COMMODITY EXCHANGE ACT

Mr. ELLENDER. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Commodity Exchange Act. I ask unanimous consent that a short statement explaining the principal changes in the bill be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 2859) to amend the Commodity Exchange Act, as amended, introduced by Mr. ELLENDER, by request, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The statement presented by Mr. ELLENDER is as follows:

BILL TO AMEND THE COMMODITY EXCHANGE ACT

The principal changes proposed in this bill are as follows:

1. The Secretary of Agriculture would be given authority:

(a) To set margin requirements whenever there is reason to believe there is danger of manipulation, sudden or unreasonable fluctuations or unwarranted changes in prices, excessive speculation, etc.

(b) To designate additional commodities to be subject to the act whenever he determines it is necessary to do so to prevent acts or practices of the kind prohibited by the act.

(c) To prescribe contract market rules which shall prevail with respect to the conditions of sale on such markets when this is found necessary to effectuate the provisions of the act.

(d) To exercise the authority presently vested in the Commodity Exchange Commission (Secretary of Agriculture, Attorney General, and Secretary of Commerce) to (1) establish speculative trading limits, (2) suspend or revoke the designation of a contract market and issue cease and desist orders against such market or its officials, after hearing, for violations of the act, (3) hold hearing to determine whether a board of trade should be denied designations as a contract market, and (4) pass on denial by a contract market of membership privileges to a cooperative. These are all the functions of the Commission and it would be eliminated.

(e) To issue cease and desist orders against individuals for violations of the act.

(f) To establish minimum financial requirements which must be met by futures commission merchant registrants.

(g) To deny registration, after opportunity for hearing, to any applicant who does not demonstrate his meeting of the financial requirements or any applicant who it is found is unfit for registration, by reason of having engaged in practices of the kind prohibited by the act, conviction of felony, suspension by a board of trade, debarment from Government contracting, or having made false statements in the application, or for other good cause shown.

2. The bill would provide authority for injunctions to restrain or prevent violations.

3. It would make applicable to all persons the provisions of the act prohibiting fraud, cheating, deceit, bucketing, and false records in connection with the orders for or transactions in interstate commerce or for future delivery on or subject to rules of a contract market. The present provision is applicable only to members of contract markets or their correspondents, agents, or employees. Administrative action would be authorized with respect to any action intended to have or having the effect of restraining trade, as well as any unfair or deceptive act or practice.

4. Presently futures commission merchants are required to segregate customers' funds in separate accounts. The depository of

such funds would be prohibited from treating them as belonging to the futures commission merchant or any person other than the customers. This is to prevent their being used to offset liabilities of the commission merchant, and so forth.

5. Recordkeeping requirements would be expanded to include a requirement with respect to records pertaining to spot or cash transactions and inventories.

6. The bill would make it a violation of the act for anyone against whom an order denying trading privileges has been issued to in any manner exercise such privileges during the effective period of such order. Heretofore the restraint was on persons extending the privileges without any affirmative restraint on the person against whom the order was issued.

7. The bill would affirmatively require contract markets to make effective trading rules prescribed by the Secretary of Agriculture and make failure to do so grounds for disciplinary action against the contract market.

8. It would make any person who aids, abets, or acts in combination or concert with any other person in any violation of the act responsible as a principal.

9. A number of provisions of the bill are for the purpose of clarification and to affirmatively incorporate longstanding administrative interpretations. In addition, the term "manipulate," which has not heretofore been defined in the act, is defined and the provision requiring action to be based on the "weight of evidence" has been changed to substitute "substantial evidence on the record considered as a whole." Most of these changes are contained in proposed legislation presently before committees of the Congress. The other changes are principally to conform provisions to substantive changes being made in other provisions of the act.

MANAGEMENT, USE, AND PUBLIC BENEFITS FROM THE APPALACHIAN TRAIL

Mr. NELSON. Mr. President, on behalf of myself and the Senator from New Jersey [Mr. WILLIAMS], I introduce, for appropriate reference, a bill for the purpose of facilitating the management, use, and public benefits from the Appalachian Trail, a beautiful scenic trail designed primarily for foot travel through natural or primitive areas, and extending generally from the State of Maine to the State of Georgia; it also has the purpose of facilitating and promoting Federal, State, local, and private cooperation and assistance for the promotion of the trail.

The Appalachian Trail is a 2,000-mile-long continuous trail, for foot use, extending from Mount Katahdin, Maine, to Springer Mountain, Ga., passing through some 13 States—Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, Tennessee, North Carolina, and Georgia.

Mr. President, the Appalachian Trail has been developed, maintained, and protected by a good many thousands of very conscientious citizens, some of whom live near the trail; others live many miles away from it. Certainly they are to be commended for the great contributions they have made to the development and preservation of this magnificent outdoor asset.

But today this beautiful trail is being treatened by encroachments, due to population pressures; and unless protection, such as that provided by this bill, is given, the day will soon come when large parts of the Appalachian Trail except those passing through national parks, will be destroyed.

The two most distinguishing features of this trail are: First, the primitive, wild, natural or "primeval" nature of its immediate surroundings; and second, its remoteness from the signs and influences of civilization. In the national parks and forests, where some measure of control can be exercised, these characteristic features of the trail are given definition by preserving the area within 200 feet of the trail in an essentially natural condition and prohibiting incompatible developments within 1 mile of the trail. This protection has now been afforded the trail on Federal lands for the past 25 years.

However, to protect the lands traversed by the trail I believe new legislation will be required in order to maintain this continuous 2,000-mile foot trail through a primitive environment over the years to come.

The Appalachian Trail is unique. It is the longest, continuous marked foot trail in the world. Its reputation is international.

This bill is in effect an extension of the Appalachian Trailway Agreement, which has governed the policy of the National Park Service and the national forests with regard to the Appalachian Trail lands since 1938, and similar agreements signed by 13 of the States through which the trail passes. The bill would provide congressional recognition of the Appalachian Trail as an outdoor recreational facility and provide means to protect the remaining trail lands not covered by the existing agreements.

The need for the trail is obvious. Its value to the Nation can be measured in terms of: First, its historical development; second, its present use; and third, the future well-being of our population.

The trail itself was conceived in 1921 as a continuous footpath connecting the remaining wilderness areas of the eastern seaboard—a footpath which for all practical purposes would be endless. It was to be the backbone of a primeval environment, a retreat from a civilization considered even then to be too mechanized. From this beginning followed a remarkable story of the establishment—the actual laying out, clearing, and marking—of a 2,000-mile trail entirely through volunteer efforts. It was an amateur recreation experiment of unprecedented magnitude.

Following completion of its basic route in 1938, the trail has been maintained and improved to provide the best possible route, scenery, and environment. About one-third of the trail is now on Federal lands. Here the Federal agencies provide substantial assistance to maintain the trail and its shelters, funds permitting. The remainder of the trail is maintained by the volunteer efforts of trail and hiking clubs and individuals. This work and the publication and distribution of information and guidebooks are coordinated by the Appalachian Trail Conference, Inc., a nonprofit organization with headquarters in the District of Columbia. This conference has no salaried employees. The fact that the entire project was originated and developed and has matured without Government sponsorship or profit motive attests to the strong public support of the trail.

The trail is used as a recreational facility by many persons in many walks of life. It is used for recreation and training by Boy Scouts, Girl Scouts, and other youth groups from most of the States east of the Mississippi River. It is enjoyed by lovers of wildlife, flowers, the outdoors, and nature in general. It is used by hunters and fishermen. It provides opportunity for hiking and physical exercise ranging from leisurely half-hour walks to rigorous trips of up to the full 2,000 miles of the trail—and incidentally there are some hardy souls who have walked the entire length of the trail in one hike. It provides the means whereby man can experience an intimate relationship with his natural environment.

There are 50,000 to 100,000 annual visitations to the trail at the present time. Of more significance is the fact that use of the Appalachian Trail is an exceedingly high quality experience, in fact one rarely forgotten. Its very nature, that of providing a natural and remote recreational area, precludes its simultaneous use by very large numbers of persons.

In my opinion, the future well-being of the American people rests, among other things, on physical fitness, and understanding of their enviroment, mental health, and spiritual awareness. Opportunities for outdoor physical exercise in an environment resembling that enjoyed by our forefathers are on the decline in the Eastern United States. Increasingly, suitable lands are taken up by private dwellings and a variety of enterprises. The mental and spiritual well-being of the people may depend upon sufficient places to retreat for contemplation, to commune with nature. The Appalachian Trail is an already established facility which satisfies these various needs, and it is for that reason that we seek to preclude the existing and possible future threats to the permanence of the trail.

First, there is the gradual biting away of the lands along the trail for other uses. This is a problem mainly, but not exclusively, on private lands, where the Appalachian Trail Conference or its member clubs have merely received permission, usually verbal, from the owner for the trail to cross these lands. Such competitive uses include real estate developments for summer or year-round homes, commercial recreational developments, lumbering and bulldozer operations, roads, ski lifts, radar and TV installations, and powerline crossings.

The other major type of threat consists of the construction of scenic parkways on the same ridgecrest as occupied by the Appalachian Trail, either forcing relocation of large segments of the trail or resulting in inferior portions in the sense that its most important characteristic of naturalness and remoteness can no longer be maintained.

Limited protection for the trail and its surroundings was effected in 1938 by the so-called Appalachian Trailway

Agreement entered into by the National Park Service, the U.S. Forest Service, 13 States and 2 interstate park commissions, and the Appalachian Trail Conference. These agreements have served to protect certain portions of the trail and its adjoining lands fairly satisfactorily. However, only lands in Federal and State ownership are covered and any such agreements may be superseded at any time by Federal projects.

Any projection of recent trends through the next 40 years leads to the conclusion that there is no hope of maintaining the present 2,000-mile continuous foot trail through a primitive environment close to our eastern cities without public protection of the route and adjoining lands. Since 14 States, 2 national parks and 5 national forests are involved, the only practical type of public protection would appear to result from congressional action.

If the trail is a valuable asset to the American people, present and future—and I certainly do believe that it is a valuable asset—action is needed to recognize the unique qualities of the trail as a primitive-type recreation facility and afford it Federal recognition and protection.

This bill would provide for coordination and cooperation between the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, and any other Federal officials who now or hereafter administer Federal properties traversed by the Appalachian Trail. They, in turn, will give encouragement to and cooperate with the States, local communities, and private organizations, such as the Appalachian Trail Conference, and other persons in promoting the purposes of my bill.

The trail needs protection.

This bill will help provide protection for it. Just one example will emphasize what I mean: According to a recent report of the Citizens Committee for the Outdoor Recreation Resources Review Commission, by the year 2000 our population will nearly double; the overall demand for outdoor recreation will triple. Not only will there be more people, but they will have more free time, more money, and more mobility. Already, the increase in demand for outdoor recreation is surging ahead of population growth. Whatever measuring rod is used, it is clear that Americans are seeking the outdoors as never before. And this is only a hint of what is to come.

Two out of three Americans now live in metropolitan areas and by the turn of the century three out of four will. It is here that demand for most types of outdoor recreation is concentrated. It is here that people have the greatest need for outdoor recreation. And it is here that needs will be most difficult to satisfy; the great bulk of demand must be met during after work and weekend hours and the larger cities and their suburbs have the fewer recreation facilities per capita and highest land costs.

As mobility continues to increase, more people will travel farther to enjoy outstanding scenic, wildlife and wilderness areas. These places are where you find them and they provide outdoor experiences of memorable quality which cannot be duplicated elsewhere. Continuing transportation improvements, higher incomes and longer vacations will result in increased pressures on high-quality recreation resources that now seem remote from population centers. Already, more than 40 percent of vacationers traveling by car travel more than 500 miles and more than 25 percent travel more than 1,000 miles. The number of passenger cars is expected to increase 80 percent by 1976 and another 80 percent by 2000.

The CORC report has already recommended that Congress should establish and preserve outstanding primitive areas as "wilderness areas," to be managed for the sole and unequivocal purpose of maintaining their primitive characteristics. There is a wilderness bill now before the Congress for substantially that purpose.

Parks and other recreation areas are only part of the answer. The most important recreation of all is the kind people find in their everyday life. What this means is an environment—an outdoor environment—an Appalachian Trail.

It is something of a tribute to Americans that they do as much cycling and walking as they do, for very little has been done to encourage these activities, and a good bit to discourage them.

The Appalachian Trail Conference is doing its bit to encourage them. The conference consists of some 55 maintaining clubs, 15 contributing clubs or a total of 70 different clubs along the route of the trail. The New York-New Jersey Trail Conference, as a body, is a member of the conference, and this consists of 21 more clubs, or a grand total of 91 clubs in the conference. The membership in any one of these clubs may range from 50 individuals to 9,000. The total membership is around 30,000. However, users of the trail are not just members of the clubs or the conference—there is no real count of them, and it is almost impossible to calculate just how many nonmembers do use the trail. However, each of these clubs and the conference itself consists of purely voluntary labor. They receive upward of 300 letters a day in regard to the trail. Guidebooks are written and published through voluntary help. The trail is kept cleared by voluntary labor. If this great asset is to be preserved for posterity, legislative action is needed now.

Mr. President, on behalf of the Senator from New Jersey [Mr. WILLIAMS], who could not be present at this time, I ask unanimous consent to have printed at this point in the RECORD a very fine history of the Appalachian Trail, as prepared and printed by the Appalachian Trail Conference.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Appalachian Trail is a continuous marked path—for travel on foot—extending through the mountain wilderness of the Eastern Atlantic States. It is, in its ideal, a skyline route along the crest of the ranges generally referred to as Appalachian—hence the name of this Trail. It extends from Katahdin, a massive granite monolith in the central Maine wilderness, over 2,000 miles south to Springer Mountain in northern Georgia. This master trail has been opened thoughout its length, marked and measured.

The trail traverses 14 States. Its greatest elevation is 6,641 feet at Clingmans Dome in the Great Smokies. It is only slightly above sea level where it crosses the Hudson River at Bear Mountain.

A project of real magnitude, the Appalachian Trail might seem to have been the result of many suggestions. It can, however, be traced directly to one man—Benton MacKaye, of Shirley Center, Massachusetts. Forester, philosopher and dreamer, Mr. MacKaye conceived the plan of a trail which, for all practical purposes, should be endless. To MacKaye's mind this trail should be the backbone of a primeval environment, a sort of retreat or refuge from a civilization which was becoming too mechanized. MacKaye first presented his plan through an article, "The Appalachian Trail—An Experiment in Regional Planning," in the October 1921, issue of the Journal of American Institute of Architects. Others had previously advanced suggestions of extensive trails in the New England States but the conception of this supertrail was solely MacKaye's. His proposal aroused interest among leaders of the outdoor clubs in the Northeast. Clubs in New York City were the first to undertake actual work on this new trail. Under the leadership of the late Raymond H. Torrey, the first section of the trail was opened and marked during 1922 in the Palisades Interstate Park. For it, Maj. William A. Welch, then general manger of the park, designed the distinctive Appalachian Trail marker and monogram. The New York-New Jersey Trail Conference was organized and the trail was carried west toward the Delaware River. Pennsylvania was also the scene of early activity.

To gage better the extent of this undertaking, it is of interest to turn back four decades to survey the then existing trail system and the organized groups which could be enlisted to further the project. First, and most striking, is the fact that all outdoor organizations in the East were confined to New England and New York. The Hudson River was then the frontier to the south and west.

The existing trail systems, which in 1921 could be incorporated into this supertrail, numbered four. First, there were the splendidly maintained Appalachian Mountain Club trails in New Hampshire. In Vermont the lower 100 miles of the rapidly developing "Long Trail," begun in 1910, could be utilized. Between the White and Green Mountains was the Dartmouth College Outing Club's trail system. In New York there were the comparatively narrow Bear Mountain and Harriman sections of the Palisades Interstate Park. This was all—perhaps 350 miles out of a then necessary 2,050. Originally, however, the trail was estimated to be only 1,200 miles in length; its actual development has demonstrated the distance to be almost twice as long. In addition to these four sections were the national forests in the South, where connected skyline trails were subsequently developed to a degree unanticipated by those who early formulated the Appalachian Trail route.

The first enthusiasm aroused by Mr. MacKaye's proposal in 1921 flared, waned, and by 1926, had practically died out. The project was moribund; it had degenerated into a fireside philosophy. It was then that Arthur Perkins, a retired lawyer of Hartford, Conn., resurrected the project and made it once again a vital, living thing.

He interested in it Myron H. Avery of Lubec, Maine, and later Washington, D.C., who as chairman of the Appalachian Trail Conference from 1931 to 1952 enlisted the aid of hundreds of persons up and down the coast. To the enthusiasm and efforts thus

aroused is due the practical completion of the trail project.

The trail was initially completed in 1937 when the last 2 miles were opened on Mt. Sugarloaf in Maine. The southern terminus was then Mount Oglethorpe, Ga. Major changes since then in Maine, Virginia, Tennessee, North Carolina, and Georgia have resulted in a stabilized trail route through scenic and more isolated regions.

It is very interesting to note that the trail has been the pioneer. Interested individuals have carried the route forward; then, after them, have come the clubs to utilize and maintain the trail. One might have expected the reverse; that is, that the formation of clubs would precede the trail. But, with the exception of the 3-year-old isolated Smoky Mountains Hiking Club at Knoxville, Tenn., there were no organizations below Harrisburg, Pa. The penetration of the southern Appalachians began with the formation at Washington, D.C., in late 1927, of the Potomac Appalachian Trail Club. Numerous other Appalachian Trail Clubs followed, so that, with insignificant exceptions, the entire trail route is now apportioned among these energetic organizations. These clubs, aiding the trail project, and individual comprise the Appalachian Trail Conference.

The Appalachian Trail Conference functions through a board of 18 managers, 3 being elected from each of the 6 districts into which the trail route is divided. The chairman is the conference's executive officer.

The conference is a volunteer, amateur recreational group. It is an experiment in amateurism on a very extensive scale. All the activities of the conference and the labor of maintaining trails are contributed by those interested in the project. The conference has no salaried employees. The expenses incurred in its activities are contributions to the cause. Its budget is decidedly limited. By reason of this situation, it will be appreciated that the conference's financial resources restrict a desire to furnish, gratis, maps, guidebooks, and further information as to the trail. However, with a view of indicating the availability of the extensive literature which is obtainable, there is printed on the reverse side a list of publications, in which various topics of interest to trail users are set forth under appropriate headings.[1]

The Appalachian Trail Conference now meets each third year. Its membership consists of four classes: Class A, clubs which maintain specific portions of the Appalachian Trail; class B, clubs which support, by other means, the Appalachian Trail project; class C, public officials (Federal and State) who have charge of areas through which the trail passes and who maintain the trail therein, and persons maintaining in an individual capacity certain designated portions of the trail; and class D, individual members. A class D member receives the publications (other than guidebooks) of the Appalachian Trail Conference which are issued during the membership period, including Appalachian Trailway News; this membership (dues $5 annually) offers a distinct opportunity to individuals actively to support the Appalachian Trail. The conference urges the enlistment, in this form, of persons interested in the trail. Applications for this membership, with a brief biographical statement, should be addressed to the Appalachian Trail Conference, Washington, D.C.

A word as to the manner of marking this trail. There have been many experiments in the development of a standard marker for the trail. The museum collection is extensive. The earliest marker was an embossed, copper square with the trail insignia. Its softness rendered it an easy prey to souvenir hunters, so the then A.T.C. Chairman Perkins designed a diamond-shaped galvanized iron marker, with the trail monogram printed on it. However, the main reliance in marking the Appalachian Trail is a rectangular paint blaze, 6 by 2 inches. These blazes are placed fore and aft—like highway markers—in the direction of travel. White is the prevailing color, and blue for side trails. There is only one approved variation from this uniform blaze. This is the so-called double blaze—two superimposed blazes or markers—which constitute a warning of an obscure turn or change in direction, which might be otherwise overlooked.

With the view of standardizing trail practices and thereby contributing to improved maintenance, the Appalachian Trail Conference has issued a manual on trail construction. This manual details the procedure to be followed in constructing, maintaining and marking the Appalachian Trail.

Originally, the Appalachian Trail was a foot trail, the distinguishing feature of which was its practically endless character. Subsequently, by virture of the so-called Appalachian trailway agreement, this area has attained a distinctive status. In the eight national forests and two national parks which the route traverses—federally owned land—a narrow zone, 1 mile in width, has been set apart on each side of the trail. In this area there are to be no new paralleling roads or other incompatible developments. In fact it is the creation of a new recreational area, reserved for the benefit of those who walk and camp. In 13 of the 14 States through which the route passes, similar agreements, for a lesser width, have been effected. Thus, the Appalachian Trail passes into its second stage, the Appalachian Trailway, a narrow, isolated zone set apart for those who find their recreation by virtue of their own unaided efforts.

In addition to the development of an actual trail, the Appalachian Trail Conference has issued very extensive literature on trail technique and attendant phases of trail construction. For a person who has had no prior experience in travel along the Appalachian Trail or on other trails, the conference particularly commends its publication No. 15, "Suggestions for Appalachian Trail Users." This publication has been prepared to answer many types of inquiry addressed to the conference. A perusal of the booklet will be of value even to the experienced trail traveler.

Of primary importance is the issuing of guidebooks to the trail. The measuring of the trail and the obtaining of trail data kept progress with the actual construction of the trail. A number of local guides have crystallized into a series of guidebooks for the entire Appalachian Trail. The conference has also issued a comprehensive pamphlet, detailing the history, route, guidebook data, and literature on the trail project.

The guidebooks for the Appalachian Trail furnish necessary information preliminary to the trip. Accommodations are specifically set forth. The accommodations along the trail route are of two types: public, such as farmhouses, inns or camps on or adjacent to the trail; the second class is the shelter of the open type, known as a lean-to.

Shelters, closed and open, are absolutely essential to a finished through trail. The ideal is a continuous chain of such structures at intervals of a moderate day's journey, say 7¼ miles, so that an active hiker may utilize every other one, yet a family party or one exploring side trails, photographing or observing the flora or geology, may have time for such activities and still find shelter each night.

Since 1937 the plan of providing a continuous chain of open shelters along the Appalachian Trail has been vigorously pressed by the conference. As of 1963, there are 221 of these structures along the trail. (Some do not have bunks.) In addition, there are two authorized campsites. In some sections there are long continuous units. From the northern terminus at Katahdin to the Vermont-Massachusetts line there is an unbroken chain of structures, with the exception of one still to be built at Rattle River in the White Mountain National Forest. In the central Appalachians in southern Pennsylvania, Maryland, and northern Virginia, there is a chain of 39 lean-tos, extending over 285 miles. After a gap of 27 miles there is through the Pedlar District of the George Washington and Glenwood District of the Jefferson National Forests a chain of lean-tos for 110 miles. Beyond this, in the Jefferson and Cherokee National Forests there is a chain of 15 lean-tos in 142 miles, with 3 to the south, and 6 to the north at varying intervals and the gaps are being rapidly filled. In the far southern Appalachians, in the contiguous Pisgah National Forest and Great Smoky Mountains National Park, there is a chain of 19 structures, extending over a distance of 130 miles. The chain is continuous for the southernmost 130 miles in the Nantahala and Georgia National Forests. The trail through publicly owned lands will eventually be "complete," as far as this chain of lean-tos is concerned.

And now a brief word as to the route or geography of the trail. From Katahdin the trail leads in Maine, for 279 miles through an utter wilderness, past lake and stream over a disconnected series of peaks. It meets its first pronounced mountain group in the White Mountains of central New Hampshire, which it crosses from east to west. Near Rutland, Vt., the trail turns south for 100 miles along the Green Mountains. In western Massachusetts and northwest Connecticut, the route traverses the Berkshire and Taconic groups, the worndown remnant of a once much loftier range. The Hudson River is crossed at Bear Mountain Bridge. Then the trail leads close to the New York-New Jersey line, over a seemingly endless series of ridges, on its course to the Kittatinny Mountains at High Point Park. Here, for the first time, a narrow ridge crest indicates the route. Beyond the Delaware River, this front range of the Alleghenies becomes Blue Mountain. It and the ridges to the north are followed until, 8 miles beyond the Suquehanna River, the first major change of route is made. The Alleghenies are left and the trail crosses the Cumberland Valley, by secondary roads, to the northern base of the Blue Ridge. Here commences the range which is followed to the southern terminus of the trail. Through southern Pennsylvania and Maryland, where it bears the name of South Mountain, the Blue Ridge continues as a narrow crest line where trail location offers few problems. Three hundred miles south in Virginia, where the Roanoke River breaks through the range, the Blue Ridge forks. These forks, sometimes 100 miles apart, form an immense oval, coming together again at Springer Mountain in northern Georgia, the southern terminus of the trail. Lofty, transverse ranges, enclosing beautiful elevated valleys, connect the two forks. The eastern rim keeps the name Blue Ridge; the western rim is divided by rivers.

The major route problems of the trail came here. There was one fixed point—the trail must pass through the Great Smokies on the western rim. The route originally utilized the eastern rim to New River in southern Virginia, then crossed the plateau

[1] Full information as to current developments on the Appalachian Trail is available through its publication, Appalachian Trailway News. This journal, issued three times a year (subscription $1.50 per year) not only affords an opportunity to be fully informed as to happenings on the Appalachian Trail route but offers an opportunity to lend support, in some measure, to the trail project. Subscriptions are urged.

between the rims to the western fork at Iron Mountain and continued south. In 1954 the trail was relocated to follow the western rim. At the southern end of the Great Smokies, a cross-range, the Nantahala Mountains, leads back to the eastern rim, which is followed to Springer Mountain, the southern terminus of the trail.

The brief résumé merely serves to indicate the character of the Appalachian Trail. Its successive changing zones of bird, animal and plant life fascinate the traveler. It is indeed a guide to the study of nature. Of it has been written by one who served it well during an all too short life: "Remote for detachment, narrow for chosen company, winding for leisure, lonely for contemplation, the trail leads not merely north and south but upward to the body, mind, and soul of man."

The length of the trail is now approximately 2,000 miles.

The length in the several States is now:

	Miles
Maine	279.23
New Hampshire	153.42
Vermont	133.76
Massachusetts	82.69
Connecticut	55.75
New York-New Jersey	158.67
Pennsylvania	215.87
Maryland	37.14
Virginia	462.28
Tennessee	112.60
North Carolina-Tennessee	147.79
North Carolina	79.67
Georgia	76.44

Mr. NELSON. Mr. President, I ask that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2862) to facilitate the management, use, and public benefits from the Appalachian Trail, a scenic trail designed primarily for foot travel through natural or primitive areas, and extending generally from Maine to Georgia; to facilitate and promote Federal, State, local, and private cooperation and assistance for the promotion of the trail, and for other purposes, introduced by Mr. NELSON (for himself and Mr. WILLIAMS of New Jersey) was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in recognition of the public benefits already received from the establishment of the Appalachian Trail, extending generally along the Appalachian Mountains from Maine to Georgia for a distance of more than two thousand miles, and in order to promote and perfect the delineation, protection, and management of such Trail, the cooperation of Federal, State, local, and private organizations and persons, for these purposes, is hereby declared to be in the public interest.

(b) In furtherance of these purposes, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, and any other Federal officials who now or hereafter administer Federal properties traversed by the Appalachian Trail shall coordinate their efforts in providing uniform administration and protection of the Trail; and they shall give encouragement to and cooperate with the States, local communities, and private organizations and persons in promoting the purposes of this Act.

SEC. 2. (a) The Appalachian Trail, together with sufficient land on both sides thereof to protect adequately and preserve its character shall comprise the Appalachian Trailway, which shall be administered, protected, and maintained so as to retain its natural or scenic character in keeping with the purposes of this Act, excluding therefrom all inconsistent and nonconforming uses wherever this can be accomplished in the public interest: *Provided,* That such administration shall not render inapplicable to the lands within the Trailway of the pertinent laws and regulations governing particular Federal areas or lands traversed by the Trailway.

(b) The Secretary of the Interior, with the concurrence of other Federal agencies administering lands through which the Appalachian Trail passes, is authorized to issue, and to amend from time to time, as required by circumstances, regulations to carry out the purposes of this Act and to serve as guidelines in its administration, protection, and general management.

SEC. 3. In furtherance of this Act and the objectives prescribed by the basic Act relating to outdoor recreation activities approved May 28, 1963 (77 Stat. 49), the Secretary of the Interior, with the advice, consent, and assistance of the aforesaid Federal agencies, States, and others, is authorized to define, redefine, and delineate, where advisable, the route of the Appalachian Trailway in order to retain wherever possible the natural or scenic character of the Trail and adjoining lands. The Secretary shall cause public notice to be given concerning the Trailway route, as soon as possible after the enactment of this Act and thereafter whenever additions or changes are made, either through publication in the Federal Register, or in such other manner as he shall consider practicable. The route of the Trailway may be revised from time to time, as required by circumstances, with the consent of the Federal agencies directly involved. In determining the width and location of the Trailway, the following principles shall govern—

(a) The Trailway shall be of sufficient width and shall be so located as to provide the maximum retention of natural conditions, scenic or historic features, and the primitive nature of the Trailway.

(b) The route of the Trailway shall be selected to avoid, so far as possible and practicable, established highways, motor roads, mining areas, power transmission lines, private recreational developments, public recreational developments not related to the Trail, and other activities that would be inconsistent with the purposes of this Act and the protection in its natural condition and use of the Trail for outdoor recreation.

SEC. 4. (a) In order to promote continuity of the Appalachian Trailway and its uniform administration as a continuous area throughout its full length, and to promote its use and management in keeping with the purposes of this Act, Federal agencies administering land through which the Trailway passes are authorized to acquire, within the authorized boundaries of areas they administer, through donation or such other manner as they shall consider to be in the public interest, any land, interests in land, rights, or easements; or they may enter into agreements with private landowners for the purpose of promoting the said Appalachian Trailway.

(b) Where the Trailway extends across other non-Federal lands, the Secretary of the Interior and the heads of other Federal agencies involved in administering adjacent lands are authorized to cooperate with States, political subdivisions, and local and private organizations and persons for the purpose of encouraging their acquisition of land, interests in land, rights, easements, or the consummation of agreements with landowners that will further the purposes of this Act; and if private properties within such portions of the Trailway are offered for sale for purposes of this Act, the Secretary of the Interior, to the extent of any funds that are made available therefor, may purchase such properties or interests therein for purposes of the Trailway only from willing sellers, and he shall thereafter make such arrangements as he deems appropriate for the management of such properties.

Mr. MANSFIELD subsequently said: Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON], I ask unanimous consent that the Appalachian Trail bill, Senate bill 2862, introduced earlier today, be held at the desk through May 28, for additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963—AMENDMENT NO. 606

Mr. COTTON. Mr. President, I send to the desk an amendment to H.R. 7152, the so-called civil rights bill, and I ask unanimous consent that it lie on the table and be printed. I further ask unanimous consent that it be considered as having been read in case of any cloture motion.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, the amendment will be received, printed, and lie on the table; and without objection, the amendment will be printed in the RECORD.

The amendment (No. 606) is as follows:

On page 28, line 22, strike out "twenty-five" and insert "one hundred".

On page 29, line 4, change the colon to a period and strike out all down to and including the period in line 12.

On page 30, strike out lines 15 through 19, inclusive, and insert in lieu thereof the following: "nization is one hundred or more, and such labor".

ADDITIONAL COSPONSOR TO SENATE BILL 880

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Connecticut [Mr. DODD] be added as a cosponsor of S. 880, to amend the Social Security Act to provide hospital insurance benefits for the aged, at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR TO SENATE BILL 2642

Mr. FULBRIGHT. Mr. President, I also ask unanimous consent that the name of the senior Senator from Connecticut [Mr. DODD] be added as a cosponsor of S. 2642, the Economic Opportunities Act of 1964, at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF SENATE BILL 2792

Mr. RIBICOFF. Mr. President, at its next printing, I ask unanimous consent that the name of the Senator from New

Jersey [Mr. WILLIAMS] be added as a cosponsor of the bill (S. 2792) to amend the Federal Insecticide, Fungicide, and Rodenticide Act in order to provide for more effective regulation under such act, and to provide for certain control of waste disposal in connection with the manufacture, formulation, or other processing of economic poisons, which I introduced on April 30, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING OF TREASURY-POST OFFICE APPROPRIATIONS SUBCOMMITTEE ON FRIDAY, MAY 22, AT 8:30 A.M.

Mr. ROBERTSON. Mr. President, in order to expedite action on the Treasury-Post Office appropriation bill for fiscal year 1965, the Treasury-Post Office Appropriations Subcommittee, which I chair, will hear Postmaster General Gronouski on the Post Office items at 8:30 a.m. on Friday, May 22, in room 1224 of the New Senate Office Building. It has been customary to hear the Treasury items first but Treasury Secretary Dillon is presently out of the country and unable to be present at this time.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 20, 1964, he presented to the President of the United States the following enrolled bills:

S. 920. An act to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico, provided there is in effect a bilateral agreement between the United States and the alien governments for such operation by U.S. amateurs on a reciprocal basis;

S. 980. An act to provide for holding terms of the U.S. District Court for the District of Vermont at Montpelier and St. Johnsbury;

S. 1584. An act to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes;

S. 1687. An act to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District; and

S. 2772. An act to amend the Alaska Omnibus Act.

TWO CENTURIES OF THE HARTFORD COURANT

Mr. DODD. Mr. President, on October 29 of this year the Hartford Courant will celebrate its 200th birthday. This great newspaper is the oldest in the United States. In terms of continuous publication, it is the second oldest in the world. In a way, the Courant is a living record of American history.

I shall like to add my voice to the many that I know will be extending congratulations to the Courant. No newspaper anywhere is more deserving of the commendations of press and public alike. And none has done more to buttress the traditions of a free people and of a free press.

The story of the Courant, and in particular of its role during the trying days of the American Revolution, appears in the May 9 edition of the Saturday Review. It is told in an article written by the paper's highly respected editor, Mr. Herbert Brucker.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNFADING NEWSPAPER—TWO CENTURIES OF THE HARTFORD COURANT

(By Herbert Brucker)

In recent years we have heard much about the disappearing daily, otherwise the fading American newspaper. Yet some newspapers refuse to fade and disappear. This fall the Hartford Courant will celebrate completion of its second century. Few American institutions, even the U.S. Government, are that old. The Courant had already been published a dozen years by the time it printed the full text of the Declaration of Independence as news. And when the Constitution was adopted in Philadelphia in 1787 that, too, was published as news.

It is true that in this century American newspapers have tended to become monopolies, squeezing out the competition in the process. Therefore their total number has shrunk despite our booming population. In 1910 we were a Nation of only 92 million but had 2,600 daily newspapers. Today we number more than 191 million and are down to 1,761 dailies. But the trend to fewer papers seems to be leveling off. For one thing, even though an occasional metropolitan daily does still fade and disappear, others of weekly or semi-weekly publication turn into dailies. This is especially true in our automobile-age suburbia and exurbia, where community papers are growing lustily.

Then, too, in 1958 Editor & Publisher, the newspaper trade journal, listed all the newspapers it could find that were a century old or more. There were more than 200. By now there must be quite a few more whose hale and hearty old age disputes the theory that the newspaper is on the way out. It seems safe to assume that the printed newspaper, the only medium that can give the citizen an ordered, detailed, nonvanishing account of the news every day, will still be here 200 years hence. No doubt it will be as different from the 1964 newspaper as today's Courant is different from the Courant of colonial times. But each in its own way and age gives the citizen the ordered, written information about the world he lives in, without which our democratic republic cannot live.

As far as we have been able to find out, there is today only one newspaper anywhere in the world that is older than the Courant, and that is Copenhagen's Berlingske Tidende. This was founded in 1749, or 15 years before the Courant's birth on October 29, 1764. There are some British claimants to even greater antiquity, and an occasional one on the Continent. But apparently none has been published from the beginning to this day without interruption, under the same name, by a continuing management. Indeed, even the Courant missed an occasional number in its early days, as for example a few issues skipped in protest against the Stamp Act. But the publishing firm remained intact and continuous throughout the two centuries, and publication of the paper was never really interrupted in all that time.

It was Thomas Green, a 29-year-old printer from New Haven, who issued No. 00 of the Connecticut Courant in Hartford "At the Heart and Crown, Near the North-Meeting-House." This was a sample issue, which "will on due encouragement be continued every Monday, beginning on Monday, the 19th of November, next." And so it was, except that the second issue came out a week late.

By then Hartford was already a century and a quarter old. It is hard to recapture now, in one's imagination, the appearance of this town of 4,000 on the west bank of an unspoiled Connecticut River. George III was sovereign, in Connecticut as in the other Colonies. But by the time Green got his hand press to producing perhaps a few hundred weekly copies of a four-page paper about 8½ by 13½ inches, there was already widespread irritation among native-born Americans at Britain's rule from across the sea. Before the paper was a year old, in June 1765, Courant subscribers read about an obstreperous Hartford group, a contingent of the Sons of Liberty, that deposed one Jared Ingersoll, Esq., as he came up from New Haven to take over his duties of receiving the hated stamp tax. He was met outside of town and not only forced to resign his office but "he was then desired to pronounce the words 'liberty' and 'property' three times." After Mr. Ingersoll arrived in Hartford he "again read his resignation in publick, when three huzzahs more were given, and the entire company dispersed without making the least disturbance." The Stamp Act, symbol of taxation without representation, was repealed the next year.

How is it that the Courant—since 1837 the daily Hartford Courant instead of the weekly Connecticut Courant—survived from colonial times to our own?

The answer seems to be that it stuck to being a newspaper instead of giving all to some cause, as did many another paper now defunct. For example, in 1841 Hartford, by then a town of 13,000, supported no less than 13 newspapers of various intervals of publication. Some were devoted to abolition or other special purposes. But the Courant, whether in the 1760's or the 1960's or in between, put its major effort into getting and printing the news as it found it.

Last year the New York Mirror gave up the ghost, though still selling more than 800,000 copies a day and so boasting the second largest circulation in our biggest city. The chief trouble was that the Mirror had been founded on a formula of 10 percent news, 90 percent entertainment.

Thanks to the Courant's continuing loyalty to the news, you can read, in its files, American history as it happened. Of course, in a day in which the horse and the sailing vessel were man's swiftest means of communication, it sometimes took a while to get any event into print. The storming and burning of the Bastille in Paris on July 14, 1789, was news to the Courant's readers when they first read it in the issue of September 21. And the Declaration of Independence, adopted July 4, 1776, was not printed in the Courant until the issue of July 15. Not bad at that, in the day of the horse and the weekly paper.

Sometimes the paper gave just the bare bones of the news, but often it printed colorful detail as well. To be sure, in its pages the pageant of our past is not set into perspective as neatly as in the history books. But you can follow the dramatic events as they happened, from the Boston Tea Party to Yorktown, from Waterloo to Appomattox, and on to World Wars I and II, from the assassination of President Lincoln to the assassination of President Kennedy, and so on down to what happened yesterday.

By sampling the almost complete files that survive, one can sense, even today, something of what our forebears felt and thought as they passed the milestones in our history. Take for example this account of Paul Revere's ride (note that his name was not mentioned) and of that shot heard round the world. It appeared on page 2 of the 4-

page issue No. 541 of May 8, 1775, under a headline that said simply "Worcester, May 3." This source makes one wonder whether it did not originate with the patriot-printer Isaiah Thomas, lately fled to Worcester with his newspaper, the Massachusetts Spy, from a Boston controlled by British redcoats:

"Americans, forever bear in mind the Battle of Lexington, where British troops, unmolested and unprovoked, wantonly, and in a most inhuman manner fired upon and killed a number of our countrymen, then robbed them of their provisions, ransacked, plundered and burnt their houses, nor could the tears of defenseless women, some of whom were in the pains of childbirth, the cries of helpless babes, nor the prayers of old age, confined to beds of sickness, appease their thirst for blood, or divert them from the design of murder and robbery.

"A few days before the battle, the grenadier and light-infantry companies were all drafted from the several regiments in Boston, and put under the command of an officer, and it was observed that most of the transports and other boats were put together, and fitted for immediate service. This maneuver gave rise to a suspicion that some formidable expedition was intended by the soldiery, but what or where the inhabitants could not determine—however, the town watches in Boston, Charlestown, Cambridge, etc., were ordered to look well to the landing places.

"About 10 o'clock on the night of the 18th of April, the troops in Boston were discovered to be on the move in a very secret manner, and it was found they were embarking in boats (which they privately brought to the place in the evening) at the bottom of the common; expresses set off immediately to alarm the country, that they might be on their guard.

"The body of the troops in the meantime, under the command of Lieutenant Colonel Smith, had crossed the river, and landed at Phipp's Farm. They immediately, to the number of 1,000, proceeded to Lexington, 6 miles below Concord, with great silence; a company of militia, of about 80 men, mustered near the meetinghouse; the troops came in sight of them just before sunrise; the militia upon seeing the troops began to disperse; the troops then set out upon the run, hallooing and huzzaing, and coming within a few rods of them, the commanding officer accosted the militia in the words to this effect, 'Disperse you damn'd rebels!—damn you disperse.' Upon which the troops again huzzaed, and immediately one or two officers discharged their pistols, which were instantly followed by the firing of four or five of the soldiers, and then there seemed to be a general discharge from the whole body; it is to be noticed, they fired upon our people as they were dispersing, agreeable to their command, and that we did not even return the fire. Eight of our men were killed and nine wounded.

"Another party of the troops took possession of the Northbridge. About 150 provincials who mustered upon the alarm, coming toward the bridge, the troops fired upon them without ceremony, and killed two upon the spot. Thus did the troops of Britain's king fire first at two several times upon his loyal American subjects, and put a period to 10 lives before one gun was fired upon them. Our people then returned the fire, and obliged the troops to retreat, who were soon joined by their other parties, but finding they were still pursued, the whole body retreated back to Lexington, both provincials and troops firing as they went.

"The enemy having halted above an hour at Lexington, found it necessary to make a second retreat, carrying with them many of their dead and wounded. They continued their retreat from Lexington to Charlestown with great precipitation; our people continued the pursuit, firing till they got to Charlestown Neck (which they reached a little after sunset), over which the enemy passed, proceeded up Bunker's Hill, and the next day went into Boston under the protection of the Somerset man-of-war of 64 guns."

When later the British took New York, the Courant became important to the Revolutionary cause throughout the Colonies. According to Isaiah Thomas, who in 1810 wrote a history of printing in America, the Courant of that time had a circulation "equal to, if not greater, than that of any other paper printed on the continent." After the revolution the Courant acquired Noah Webster, a local boy who later wrote the famous speller and dictionary, as a contributor. Another staffer was Oliver Ellsworth, whose Connecticut Compromise had made possible the Constitution, who put the words "United States" into the Constitution, and who was later a Senator and Chief Justice of the Supreme Court. In his retirement Ellsworth wrote for the Courant what would now be called a farm column.

How do we know that the Courant is the country's oldest paper? When you get into it, this seemingly simple question becomes complex. That is why the Courant calls itself the oldest newspaper of continuous publication in America. Other claimants either haven't published continuously, or else not as long. And there are other qualifications. For example, some of the encyclopedias credit the Alexandria Gazette in Virginia, across the river from Washington, with being the "oldest daily in America." Perhaps it is, because the Alexandria Daily Gazette was launched in 1808 while, as noted, the Courant did not start its daily until 1837. But the Courant is a daily, and older than the Gazette.

Then there was the Newport Mercury, founded in 1758. It survives today as the Newport Mercury and Weekly News, a supplement of Rhode Island's daily Newport News, which was not founded until 1846.

Until 1942 there used to be, in Portsmouth, N.H., a New Hampshire Gazette that dated from 1756. But it survives today only as the title of the weekly picture supplement of the Portsmouth Herald, a youngster dating from 1884. There is also the Annapolis Gazette, which sometimes claims antiquity. But it was founded in 1809 as the Maryland Republican and did not take the name Maryland Gazette until 1922. You could start a new paper in Boston today, call it Publick Occurrences, and then boast that you had the oldest paper in the United States, founded September 25, 1690. But Publick Occurrences, our first newspaper, died with that first issue of almost three centuries ago. It was suppressed by Governor and Council for daring to appear without "license first attained."

Finally there is the Philadelphia Inquirer, which last year began calling itself the oldest daily newspaper in the United States. If you pick up the Sunday Courant today, you will find on its editorial page quotations from its own issues of 50, 100, 150, and 175 years ago. Soon there will be items from two centuries ago. You won't find anything like that in the Inquirer—because there was no Inquirer until 1829. Its recent claims to antiquity rest on a series of mergers with earlier papers. The Courant rests its case with the historian of American journalism, Frank Luther Mott, who wrote me in 1950: "Everything considered, it looks to me as though the Hartford Courant has the best claim to priority."

Though the United States still qualifies as a young country, one gets a sense of ancient times from poring over the Courant's old issues. It isn't only the news and comment that conveys this—and in earlier days it was hard to tell where news left off and comment began. Advertising, which goes back to the beginning, is also interesting. Take this one from the Courant of March 14, 1796. It was one of two inserted by a gentleman farmer from Philadelphia. His name was George Washington, and he was at the time President of the United States. He offered the following:

"To be let, and possession given in autumn. The farms appertaining to the Mount Vernon estate, in Virginia; four in number; adjoining the Mansion house farm. Leases will be given for the term of 14 years to real farmers of good reputation."

The farms were described in detail over one and a half columns.

Sometimes, too, the early Courant did not forget that while it must publish news first of all, people like to be entertained. So there appeared in every issue a variety of items. Take, for example, the following, printed under the heading "Legislative Anecdote" in the issue published November 20, 1876:

"A member of a certain honorable house, who from accustoming himself to take a nap after dinner when at home, could not dispense with the custom even when attending to give laws to a mighty people. * * * A day was assigned for the second reading of a lumber act, which, as it interested him, our sleeper requested his friend who sat next to him, that * * * if the bill was discussed when he was asleep he would wake him—this friend promised—but, happening to go out for a few minutes, the bill was called for, and after a little debate was committed. Immediately the bill for preventing fornication was brought on—this occasioned some debate, the sleeper's friend returned, and finding the lumber bill was dismissed, thought he would indulge his friend in his nap; however, as luck would have it, he accidentally trod on the toe of this votary of Morpheus, who supposed it a signal for his waking, immediately awoke, rubbed his eyes, and finding that there was a pause in the debate, rose, and addressed the speaker as follows: Sir, I wish to speak a few words on the bill now in question—it affects, Mr. Speaker, my constituents very much—for above half our town get their living by it."

And some people take exception to the kind of thing the Courant prints today.

CUBAN INDEPENDENCE DAY

Mr. DODD. Mr. President, today, May 20, we celebrate Cuban Independence Day.

It is a day dear to the hearts of all Cubans, and dear to the hearts of all the freedom-loving citizens of the Americas.

There is no people in the world that knows the meaning and value of freedom better than the Cuban people. For freedom was not handed to them on a platter, it was not yielded to them in a final gesture of generosity by a reformed imperialist ruler. The Cuban people achieved their freedom from Spanish imperial rule only after a half-century of sacrifice and struggle, a half-century which witnessed two major wars for independence, the so-called Ten Years War and the final War of Liberation.

Having sacrificed so much for freedom, it is not surprising that the Cuban people have never compromised with tyranny.

It is not surprising that under the modern tyranny of Fidel Castro, the Cuban people continue to fight and to resist with the same incredible heroism that won them freedom from Spanish rule and paved the way for the final establishment of an independent Cuba on May 20, 1902.

Nor is it surprising that the leaders of the Cuban resistance movement in exile have chosen May 20 for the launching of a new war of liberation against the alien imperialism which again oppresses the Cuban people.

Let me say to the Cuban freedom fighters, both in this country and in Cuba, that the hearts of the American people are with them today, in the same full measure that American hearts were with them in 1895.

At that time, in the name of freedom, the United States entered into a commitment extending from Cuba to the Philippines. That commitment for freedom cost thousands of American lives; and Americans have always cherished the memory of those who gave their lives in this historic struggle.

I think it appropriate to recall that the United States entered into its war with Spain not for the purpose of attempting to appropriate a colony that had until that time been governed by Spain, but for the declared purpose of assisting the Cuban people to achieve the emancipation from Spanish imperial rule.

I think it appropriate to recall, too, that the United States remained in Cuba only long enough to help the Cuban people establish a democratic government of their own and that on May 20, 1902, the last American forces were withdrawn and the independence of the Cuban nation was formally proclaimed to the world.

Because these facts are known to the humblest Cuban, Castro has had pathetically little success in persuading the Cuban people that they are threatened by "Yanqui" imperialism and that it is the duty of Cuban patriots to hate the United States. Day and night for more than 5 years now, the Castro radio has kept up its frenetic attacks on America and American imperialism. But the Cuban people, despite the Castro radio, still look upon the American people as their brothers, still recall with gratitude the role that Americans played in helping them to achieve their liberty, still believe that they can count on the United States for the same support in the new struggle for freedom and independence in which they are now engaged.

In commemorating Cuban Independence Day, I wish to pay a special tribute to Jose Marti, the poet and apostle of Cuban liberation, a man whom the Cuban people have justly come to regard as their own George Washington.

Jose Marti was a man of almost saintly simplicity. But he was a man whose entire life was dedicated to the goal of liberty for Cuba; and it was this dedication that gave him the strength to inspire others. He inspired them with his poetry, with his fervent oratory, and with his immortal phrases. He inspired them by committing himself and asking every other Cuban to commit himself "Para Cuba—que Sufre"—"For Cuba—which suffers."

When Jose Marti called for "liberty" for the subjugated people of Cuba, he did not simply mean freedom from Spanish control. He meant freedom from all despotism, domestic as well as alien. He believed in "liberty" for the people of Cuba in the same broad sense that the founding fathers believed that "life, liberty, and the pursuit of happiness" are the birthright of every people and every citizen.

At this hour, I think it appropriate to recall that Marti waged his fight for the people of Cuba from the shores of the United States, where he and his followers received refuge, sympathy, and active assistance. Indeed, it has been said that Marti's burning fight for the liberty of Cuba had its origin in the city of Tampa in the home of a Cuban follower, a Negress by the name of Pauline Pedrozo, who risked her life to hide Marti in her home.

Jose Marti gave his life in the struggle for Cuban freedom; and in the city of Tampa, there is a monument to his memory in a park that is named after him. One of Marti's most famous poems "White Roses," made the white rose a symbol of "liberty for Cuba." I understand that there will be a ceremony today in Tampa in front of Marti's monument, and I have, therefore, asked Mr. Marcello Maseda, the honorary mayor of Ybor City, the section of Tampa where the Cuban refugees are concentrated, to place a wreath of white roses in my name at the foot of Marti's monument this afternoon.

By their heroic resistance to the Castro tyranny, the Cuban people have demonstrated that the spirit of Jose Marti still lives in them; the Cuban people, who have never compromised with tyranny, have given us a thousand proofs of this. Despite the Communist terror, despite the executions, despite the repeated military actions against the freedom fighters in the mountains, every day witnesses new acts of resistance by the Cuban people, while new guerrilla bands and new resistance leaders continue to spring up to take the place of those who have fallen in the struggle.

I am as certain as I am of anything that the spirit of Jose Marti and the will to freedom displayed by the Cuban people will again prevail, and that in the not too distant future a newly liberated Cuban people will rejoin the family of free nations.

In commemorating Cuban Independence Day, I am certain that every Cuban in his heart commits himself anew, in the immortal words of Marti "Para Cuba—que sufre." I hope that we in America, in observing this occasion, will commit ourselves to support this struggle, in the same spirit and with the same faith that the American people supported the Cuban war of liberation.

MARYLAND CONGRESSIONAL PRIMARY SHOWS SMASHING VICTORIES FOR EVERY SUPPORTER OF THE CIVIL RIGHTS BILL

Mr. PROXMIRE. Mr. President, the Maryland congressional primaries of yesterday showed smashing victories for every single candidate who voted for or supported the civil rights bill, and a defeat for every one who opposed it.

In the First District, the Republican incumbent, ROGERS C. B. MORTON, who supported the civil rights bill, was unopposed.

In the Second District, CLARENCE D. LONG, the incumbent, who voted for the civil rights bill, won a smashing victory over the field, one of whom was Joshua A. Cockey, who opposed the bill.

In the Third District, EDWARD A. GARMATZ, the incumbent, who voted for the bill, won decisively. His opponent, John A. Pica, was in the State legislature and voted against Maryland's public accommodations bill. GARMATZ will now be reelected, since he has no Republican opponent.

In the Fourth District, GEORGE H. FALLON, the incumbent, who voted for the bill, won by a margin of about 2 to 1 over the entire field of five opponents, which included a segregationist.

In the Fifth District there is no incumbent, but an avowed segregationist, E. Steuart Vaughan, ran eighth in a field of 14.

In the Sixth District Republican race, CHARLES McC. MATHIAS, the incumbent, strongly supported the civil rights bill. As a member of the House Judiciary Committee, he was an architect of the civil rights bill. His principal opponent, Brent Bozell, opposed the bill. MATHIAS won a resounding victory. He won by 3 to 1.

In the Seventh District, SAMUEL N. FRIEDEL, the incumbent, who supported the bill, won overwhelmingly, 8 to 1, over Louis Jefferson, who is against the civil rights bill.

In the at-large race, which is the closest to being like a race for the Senate, CARLTON R. SICKLES, the incumbent, who voted for the bill, won by a smashing 5 to 1 over his opponent, Wilsie H. Adams.

All the winners in the Maryland congressional primaries had supported the bill. All those who opposed the bill were defeated.

In the Senate races, Joe Tydings and GLENN BEALL were the big winners. Both are enthusiastic outspoken civil rights supporters.

Because of the attention that has been called to the race between Governor Wallace and Senator BREWSTER, very little attention has been paid to the other races in which this issue was before the voters; and in every single race those who supported the civil rights bill won, and those who opposed it lost.

Mr. President, the Senator from Maryland [Mr. BREWSTER] is a wonderful human being, a fine Senator, competent, intelligent, charming. He took on a very tough task in running as a stand-in candidate for President Johnson. This is always a hard role. BREWSTER won and deserves the thanks and acclaim of all civil rights adherents.

COMMENCEMENT ADDRESS BY HON. ROBERT T. STEVENS, AT HARLOWTON HIGH SCHOOL, HARLOWTON, MONT.

Mr. MANSFIELD. Mr. President, yesterday Hon. Robert T. Stevens, an eastern industrialist, but primarily a Montana rancher, delivered the commencement address to the graduating

class of Harlowton High School, at Harlowton, Mont.

Mr. Stevens is remembered by many Senators as Secretary of the Army under the Eisenhower administration. For the past 20 years he has been working a ranch in the Two Dot area. He has become as much a Montanan as the rest of us, because he looks upon that State as his second home, and I am quite sure, before too long, as his first. He runs a cattle ranch, with a great number of cattle grazing on it. He is a citizen in whom we take a great deal of pride.

Mr. Stevens is a relative of the first Governor of the Territory of Washington, which was created in 1853, and which comprised the State of Washington and parts of Oregon, Idaho, and western Montana. Governor Stevens, of the Territory of Washington, was responsible for the establishment of the town of Stevensville, Mont., in the Bitter Root Valley.

Stevensville, by the way, is the town in which my distinguished colleague, the Junior Senator from Montana [Mr. METCALF], was born and raised.

Mr. President, I ask unanimous consent that the text of the address by the Hon. Robert T. Stevens, a Montanan, be printed at an appropriate point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS TO THE GRADUATES BY ROBERT T. STEVENS, COMMENCEMENT EXERCISES, HARLOWTON HIGH SCHOOL, HARLOWTON, MONT., MAY 19, 1964

Dear Graduates, when your class president, Loren Haarr, wrote me in December and said the senior class of Harlowton High School wanted me to speak to them on this all-important occasion, I was both surprised and pleased.

Surprised that you young people would like an oldtimer like me to speak. Pleased, because I am so devoted to this community, to this area, and to the fine people in it, that I welcomed the opportunity to do something that you wanted. Then, too, our son, Tom, holds a diploma from Harlowton High, so I have a family connection with the school from which you are about to graduate.

In addition, I am especially pleased to be with you in this particular year of 1964, which marks Montana's 100th year as a territory and its 75th year as a State. These are most important milestones in the history of the Treasury State, just as the unbelievable Lewis & Clark Expedition through Montana 160 years ago is so historic. I am sure everyone here takes great pride in these notable events in the history of our State.

Besides having a family connection with this school, I have a family connection with Montana, that goes back even more than 100 years. One-hundred and eleven years ago, in 1853, Congress created the Territory of Washington in the Northwest. That big territory included not only what is now the State of Washington, but also parts of Oregon, Idaho, and the western part of Montana, with the boundary at the Continental Divide in Montana.

Upon the official creation of this Territory of Washington by Congress, President Pierce selected my relative, then Maj. Isaac Ingalls Stevens, to become the first Governor of this huge territory. Montana alone is more than twice the size of Major Stevens' native New England.

His trips overland, across Montana on horseback, to the Puget Sound area, and his efforts there, constitute an important page in the history and early knowledge of our Western frontier. He served two terms as Governor and then was elected as the first Territorial Representative in Congress. The name Stevens, therefore, is, indeed, a part of the history of the Northwest and, even closer, the town of Stevensville, Mont., south of Missoula, was named for Governor Stevens. Perhaps, unconsciously, this family connection with the area may have been responsible for our acquiring a Montana ranch near here, 19 years ago.

Governor Stevens' very full and interesting career came to an untimely close at the age of 45, when, as a general officer, he was killed leading his troops at the Battle of Chantilly, Va., on September 1, 1862, during the Civil War. Perhaps this foregoing bit of family history, tied in with our Montana Centennial, will indicate to you, in some degree, my very special pleasure in coming before you on this particular graduation day. My remarks will be brief, but I will try to make three points, which, I sincerely hope, will be of some use to you boys and girls of the graduating class.

First, let me urge you to set your sights high. You have the inherent ability, all of you, to move up. Be confident of that ability in the competition of life. You have proved your ability as engineers on the athletic field. Similarly, you can prove it in the competitive field of molding your future careers. I know you have confidence up to a certain point. I urge you to push that point ever upward.

Second, and this point stems, to a degree, from the first point. It embraces not only the desirability, but almost the necessity today of higher education, if you are fully to realize in life on all the fine potential that I know you have. There was a time, not too many years ago, when a college education was not necessarily a must for high school graduates. Today it is different. Well trained, college trained, graduates are coming on the scene, on every scene, in constantly increasing numbers. This is today's competition.

These boys and girls, who have graduated from college, have greatly improved their potential for success in their chosen careers—whatever that may be. They didn't have anything you haven't got. What is needed is desire—like the engineer basketball team had to such a magnificent degree this year—and confidence in yourselves. With those two qualities, if you can go to college, you can do a job that will give you a much fuller life as you move along through the years ahead. I would deeply urge a larger percentage of Harlowton High School graduates to go on to higher education, if at all possible. I know in later life you will never regret the time, the effort and the possible sacrifice this will entail. You will be thankful for it.

Perhaps you young ladies of the class will think that this is meant largely for the boys—not for you. I can assure you this is not the case. The future of our country lies in the hands of all you young people, both boys and girls. More and more fields are opening up to well-educated women. The choice of occupation has never been wider and opportunities for meaningful, satisfying, and dedicated careers have never been greater.

Additionally, and more important, as the future mothers of our children, you are the ones who will be most directly concerned with molding their minds, developing their characters, and instilling them with those qualities of heart and mind which will enable them to lead fruitful, patriotic, and useful lives. You cannot possibly have too much training for this vital role. The America of the future is in your hands and in the hands of millions of other fine young high school graduates like you.

Personally, I was extremely fortunate about education. After completing school, I was most anxious to go to work. My father, by the same token, was most anxious for me to go to college. He had not been to college himself but he wanted his sons to have that advantage. I was certain my plan was right in my particular case. However, he prevailed, and I went. I am most grateful and thankful for his insistence.

I improved my mind in some degree. I learned a lot about a lot of things. I made many lifelong friends. And, I got a good running start on the military side. In short, I got an awful lot out of it and sincerely believe that any modest success or honor that may have come my way in life has been due, in the main, to two things. First, the devotion of two wonderful parents, especially in earlier life, and later the inspiration and love of a wonderful wife, who has now put up with me for 40 years. Second, the fine education I was fortunate enough to receive. These things combined to give me the chance to set and to achieve higher goals than would otherwise have been possible.

In order to encourage your highest goals and, in order, further, to encourage more graduates of Harlowton High School to go on to college in the future, I take advantage of this most propitious moment to make an announcement that Mrs. Stevens and I have been thinking about for some time. We are today establishing a fund to be known as the Ray and Nell Johnson Scholarship Fund of Harlowton High School. It will produce a minimum of $500 per year at the start, which would be used to help one or more fine youngsters, like all of you, to go to college. The selection of the recipients would be made by the school superintendent who is in office at the time, assisted by Dr. and Mrs. Johnson, or those whom the Johnsons, or either of them, may ask to carry on as their successors in the future.

Dr. and Mrs. Johnson do not know about this announcement. No one does, except Mrs. Stevens and me. You and I, however, know full well of the Johnson's dedication to this school, from which their two fine sons graduated, and to this community over the years. This is Mrs. Stevens' and my effort to put our heartfelt thanks to these outstanding members of this community in permanent form. I hope the fund will increase in the future so that the income will grow larger and, thus, be helpful to more than one of Harlowton's finest boys and girls.

As I speak to you, it brings back memories of just 10 years ago when, as Secretary of the Army, I was the commencement speaker at the U.S. Military Academy at West Point. My relative, previously referred to, General Stevens, had graduated from the Academy in 1839—just 115 years before I spoke. Incidentally, he stood No. 1 in his class.

Appearing at West Point was one of the outstanding experiences of my life. No one could look those cadets in the eye and, realizing the superb mental and physical training they had received for 4 years, not be thrilled both for them and for our country. They lived, while at the Academy, and will, thereafter, throughout their lives, under the finest personal code of which I am aware.

I close these remarks to you graduates with a full heart and with three words of West Point that I hope you will remember and think a lot about as you go your respective ways in life. I said at the start that I had three points. These three words constitute my third point. Here are the words. Please remember them always: Duty, honor, country.

May I restate my three points very simply for you:

1. Set your sights high.
2. Go to college, if you possibly can.
3. Remember—duty, honor, country.

Thank you, and may God's blessing be on every one of you and your families.

PESTICIDES, PETS, AND POLITICS: THE THREE DO NOT MIX

Mr. RIBICOFF. Mr. President, we all know it is not news when a dog bites a man—only when a man returns the favor do we have a real story. In a sense it appears that man—many of them—is in fact doing just that, but few of us are aware of it. Even the weekend gardener who is guilty of mistreating his furry best friend is probably unaware of the bite he is putting on his pet. How does he do it, then? Through the careless and thoughtless use of pesticides.

According to Yvonne Boisseau Goldsmith, an acknowledged expert on household pets, "Thousands of cats and dogs die each year because of manmade chemicals." If the weekend gardener would only read the pesticide labels and follow directions he could save his lawn and his dog. This way he is getting rid of both.

I ask unanimous consent to include in the RECORD Mrs. Goldsmith's column "Pets and People" from the April 20 Bridgeport Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PETS AND PEOPLE

(By Yvonne Boisseau Goldsmith)

Now that the ravages of winter have passed and spring is here, humans, animals, and fowl are filled with a joy to live.

Readers who are interested in dogs, cats, and birds are writing urgent letters to me asking about sprays, dusts, and fertilizers that are being used on lawns, trees and bushes. They want to know which ones can be used with safety as far as their pets are concerned.

First, let me warn you that fertilizers, insecticides, and pesticides, which are harmful to pets, also are harmful to humans.

One reader tells me her husband used lime on their lawn. She asks if it is safe to let her cat and dog walk on it.

No, it is not safe. Keep your pets indoors for at least 3 days after lime has been placed on lawns. If you must take them out, put them on a leash, and keep as far away from the limed area as you can. Don't let them walk on it or sniff it. If the lime hasn't been well worked into the soil by water or rain, it can be carried to the coats of pets by the wind.

We all know what fastidious groomers dogs, and especially cats, are. They lick and clean their feet and paws each time they come in from outdoors. When they know they have treaded on an unfamiliar substance, the bath ritual does not stop until every tiny particle is licked away. Thus they consume large amounts of inorganic chemicals, which result in sickness, and even death.

In the spring and summer, veterinarians have their hands full, treating cats and dogs who have become ill suddenly with diarrhea, chills, wobbly legs, and convulsions, as a direct result of the synthetic insecticides and pesticides that are used in sprays and dusts.

Thousands of cats and dogs die each year because of these man-made chemicals. Many owners are left grief stricken and bewildered. They do not know the source, or even suspect the culprit.

So, my advice to all owners of our furred friends is to keep them indoors while lawns are being fed with chemical fertilizers, and while trees and shrubbery are being sprayed. If they should come in contact with these villains, wash their feet and bodies off immediately before they have a chance to lick. Use only a mild soap containing no detergents. Give them as much milk to drink as you can. Keep a bottle of charcoal pellets on your pantry shelf for just such an emergency. Pry their mouths open and pop a few down their throats as quickly as possible. They are a good antidote for all types of toxic poisons. Bundle them up and keep them warm.

If your pet has gotten any spray or dust containing chlordane, which is widely used by unsuspecting home owners in treating lawns, get him to a veterinarian as soon as possible. It is highly toxic to both animals and humans.

All of the synthetic chemicals I have warned you about are just as deadly to all our little feathered friends.

Mr. RIBICOFF. Mrs. Goldsmith—an ardent Republican—has also come to the defense of our President and his method of handling his beagles. We should follow Mrs. Goldsmith's advice: Keep chemicals away from pets and pets out of politics. Sage advice from one of Connecticut's, and the Nation's, outstanding pet authorities.

I ask unanimous consent to include in the RECORD at this point an article from the Bridgeport Post for April 29.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bridgeport Post, Apr. 29, 1964]

SEE PRESIDENT AS UNDERDOG—DOG EXPERT RESCUES L.B.J. IN YOWLS OVER HIS BEAGLES

(By Alma R. Lockwood)

Through the din of agonized yowls raised by dog lovers throughout the land since President Johnson picked up his beagles by the ears, an authoritative voice of a recognized and respected champion of all animals made itself heard today.

Mrs. Harold S. Goldsmith, of Westport, honorary president of the National Dog Welfare Guild, founder and president of the Weimaraner club, and a leader in pressing for protective and humane legislation for animals, has come to the rescue of the President—in this case, the underdog.

Mrs. Goldsmith reported today that she has received calls from humane societies in Florida, California, Illinois, and New York, and from breeders in all parts of Connecticut and Massachusetts—in fact, from as far away as Texas. All have expressed indignation at the President's manners with his beagles—"Him" and "Her"—and called upon Mrs. Goldsmith to make a statement condemning the President for his eerie behavior.

"I told them all that President Johnson loves dogs and would never do anything to hurt them," the Westport woman said. "I've known him since he was a U.S. Senator—he had a 'Him' and 'Her' beagle with him then, too; he kept them with him constantly—they flew with him back and forth on his trips to Texas. Even when he had the heart attack several years ago, he wanted the dogs around him."

BEAGLE OWNER MANY YEARS

Few persons realize, Mrs. Goldsmith declared, that the President has had beagles for at least 15 years—and breeds them on his ranch.

"He has read and studied a lot about dogs," she said. "He has had little coats made for his own to prevent their taking cold in climate changes when they travel with him, and he supervises their food—making sure it has the proper vitamins for good nutrition. And more important, he gives them love."

Why then did President Johnson seek to elevate the dogs by their ears, as appeared in a news photo?

"He was trying to get the beagles to stand up and speak," Mrs. Goldsmith explained. "Trainers do that all the time. At the first little squeak he would let go."

It is Mrs. Goldsmith's personal opinion that much of the hue and cry raised by the pack of Presidential pursuers is not exclusively humane in motivation.

SEES PARTISAN CHASE

Although she herself has been a candidate for office on the Republican ticket and was one of the leaders of the Nixon-for-President movement in Connecticut, she has earmarked the case as "largely partisan."

"Some people are trying to blow this incident way up and make a big thing of it," she commented. "The dogs were not disturbed by it—they looked quite happy—but of course, dogs are nonpartisan and have no built-in prejudices; that's another wonderful thing about them."

Mrs. Goldsmith, whose extraordinary service in behalf of animal welfare has brought her numerous honors and tributes from humane societies and pet food industries throughout the country, has served many years as chairman of National Dog Week. Her column, entitled "Pets and People" appears twice a week in the Bridgeport Post.

MILITARY DRAFT LAWS

Mr. KEATING. Mr. President, members of the press are performing an important service to the country by examining all sides of the current controversy over the military draft laws.

Many editors have pointed out that only a mixed civilian-military commission can turn out a definitive, long-range study of military manpower procurement with a view to effective reforms. This is the approach taken in S. 2432, which I am offering with 19 cosponsors, to create a 14-man commission.

Numerous papers have presented information and ideas on this wide-sweeping problem, a problem too deeply involved with our economic posture to be left to military experts alone.

I ask unanimous consent to have printed in the RECORD today's cogent and searching New York Times editorial on the draft studies, together with portions of an excellent series published by the Christian Science Monitor on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 20, 1964]

THE DRAFT STUDIES

Fluctuating draft calls, the high proportion of young men rejected for physical and mental reasons, and the impending increase in the size of the Nation's military age group all emphasize the importance of the draft studies recently announced by the Pentagon. Such studies are important—in fact essential—to any future revision of our draft laws. But, unfortunately, the current studies are not broad enough.

As Senator KEATING and many others have pointed out, what is required is a long-term, comprehensive examination of procurement and personnel policies needed in the nuclear age to provide and to retain professional military forces of a requisite size over a long period of years. Present systems are inadequate; they are discriminatory and wasteful; and perhaps the draft, in the years ahead when our 18 year olds will increase so greatly in number, will be unnecessary.

No really comprehensive study of the draft has ever been made. What are its military effects; is it vital to maintenance of our security forces? What are its political and economic results? What has been its psychological result; have we become more militarized

or more democratic? Many of our forefathers fled Europe to escape conscription; do we now tacitly accept it as part of the garrison state of the nuclear age? How does it affect the educational level of the Nation and our social structure? What are the possible alternatives to this system of compulsion?

What kinds of incentive are needed to encourage voluntary military professionalism, and, in turn, what kind of an impact would these incentives have upon our democratic structure? If 40 to 50 percent of our young men fail to qualify for military service, are the service standards unreasonably high, or is our national fitness dangerously low? What kind of remedial action should be taken to increase the fitness of the rejected?

These are obviously questions as broad as government; indeed, as broad as our society. The Pentagon's military studies are an essential base upon which to build. But if Congress and the Nation are to have a really thoroughgoing study of a problem which has affected every American family, a Presidential commission, or a committee made up of representatives from many branches of Government, from Congress, from education and from experts in civilian life should be established to commence now the compilation and analysis essential to informed action some years from now.

[From the Christian Science Monitor]

U.S. DILEMMA—WHAT ABOUT THE DRAFT?

(A five-part series on "The Future of the Draft" by Neal Stanford, Pentagon correspondent of the Christian Science Monitor, will start on May 13.)

(By Godfrey Sperling, Jr.)

NEW YORK.—Certainly one of those most responsible for the new Presidential interest in the draft law is Columbia's Dr. Eli Ginzberg, whose three-volume work on "The Ineffective Soldier" is a basic text on the whole subject.

Dr. Ginzberg—whose credentials include being a professor of economics in Columbia's Graduate School of Business, chairman of the National Manpower Advisory Committee, and a member of the President's group on domestic issues—highlights these opinions:

In looking at what could be done about the draft, it would be a big mistake, he says, to think of the Air Force, Navy, and Marine Corps as already being purely "voluntary," in terms of the way they get their personnel. He stresses the threat of the draft as being an important factor in the so-called "voluntary" process.

He feels that the machinery set up for the draft is ideal for providing the information needed for taking remedial action that would help the disadvantaged youth in the Nation. However, he emphasizes that he would not be in favor of continuing the draft for this purpose alone.

FAIR SYSTEM WANTED

Dr. Ginzberg feels deeply that, if the draft is to be continued, a more equitable system of choosing personnel should be arrived at—perhaps a national lottery. He sees no need for exemptions for those who go to college, or who marry.

Looking at the overall problem, Dr. Ginzberg said there are "several important things about the draft." First, he said, "is whether it will be needed, in light of the present and prospective size of the Armed Forces." Continuing:

"It is very hard to assess this question. There is no valid experience to go by * * * the number of people willing to volunteer for the draft depends on:

"1. The number of men reaching military age.

"2. The volume of employment opportunities.

"3. The size of the Armed Force's requirements for military personnel; they have some opportunity to turn some of the jobs over to civilians.

"4. The salary structure—premium pay and such matters.

"We have had the draft continuously since 1940—except for a short period in 1947 and 1948. So we have no experience about what would happen to a completely voluntary system."

DRAFT PRODS VOLUNTEERS

"It is ludicrous," said Dr. Ginzberg, "to talk about the Air Force, Navy, and Marine Corps as being purely 'voluntary' services—relying solely on volunteers. No knowledgeable person has any doubts that some proportion (in my own opinion not less than one-sixth and it might be as high as one-fourth or even higher) go into these services because of the threat of the draft.

"Now * * * unless these 'volunteer' services would reduce their demand for manpower by at least the foregoing one-sixth to one-fourth, they could encounter shortages if the draft were eliminated.

"As far as the Army is concerned, there would be a gaping hole in its requirements since it has been drafting about 10,000 persons a month.

"In addition, many Reserve units are getting the manpower they require as the result of the draft.

"What also is often overlooked is the fact that the armed services would probably encounter difficulty in getting adequate numbers of officers were it not for the draft.

"It is foolish therefore to say that one can easily get rid of the draft."

"What is true," said Dr. Ginzberg, "is that with the number of young men reaching draft age increasing very rapidly—about 30 percent this year and remaining at the higher level in the years to come—it provides a much larger pool of eligibles.

"The nub of the draft problem to begin with is that in the absence of a deterioration in international affairs, there will be many more eligibles than the Armed Forces will need to meet their needs.

"This then raises the question of equity in selection for the services—if we find that the armed services cannot get on without the draft." Continuing:

"In the past about 7 out of every 10 young men have some military service. Currently, because of lower needs and greater availability, possibly as few as 5 or 6 out of 10 will serve. And with the larger number of youngsters coming of age, under the present setup as few as 4 out of 10 will ever serve."

INEQUITIES NOTED

"I consider it intolerable—and I gather the President and Senators do, too—to look forward to a system of compulsory service, the impact of which is only felt by a minority.

"The situation gets worse when we realize that youngsters who are able to go to college and universities are able to be deferred, and if they marry, they continue to be deferred.

"The only reason I can discover why President Kennedy issued instructions to defer married men was to reduce the size of the pool of eligibles.

"I consider this to be a socially undesirable policy, since it contributes to early and irresponsible marriages. And further, it makes no sense to me why marriage should be the basis for deferment for military service under compulsory law.

"If the studies now underway [the Defense Department has asked Dr. Ginzberg to be a consultant on this study, which the President has requested] find the draft must be continued, it will be of paramount importance, in my opinion, to introduce a more equitable system of selection."

LOTTERY SUGGESTED

Here Dr. Ginzberg said he had no firm opinion on what course should be taken to get a more equitable system. He said he was listening for good suggestions.

"The only one I've been able to think up, to date," he said, "is a lottery which will determine the probability of service for all youngsters when they reach the age of 18, thereby making it a matter of course whether one will serve or not, rather than on such irrelevant grounds as ability of one's parents to provide for college, or one's desire to get married."

Continuing:

"I would have no occupational deferments, for two reasons.

"First, I think, under a lottery system, the armed services should be in a position to require that those people who are vulnerable to serve come in young—at age 18 or 19—which from the military point of view is the preferable age.

"Second, most of the skills that the armed services require are skills for which they must train men. There are a few special situations, such as physicians and certain other highly specialized skills for which a long education and preparation is required.

"I suggest that special financial arrangements in the form of education subsidies are needed to meet this requirement." Continuing:

"The widespread notion that the armed services represents a negative influence in the development of talent and competence is not self-evident. It is true that enlisted men have little scope for meaningful assignments, especially if they are in for short terms—2 years.

"On the other hand, young men who are willing to serve as officers for 3 years are frequently getting more valuable experience than they would get as junior executives in a large corporation.

"I see no reason to be distressed when young people take their chances [as in his lottery system] of serving in the military."

Of the possibility of draft changes, Dr. Ginzberg said: "I am encouraged by the fact that the President has begun to stir * * * that the President has acted * * * and that a group of Senators are increasingly vocal about the need for action. Once the elections are out of the way, I hope we will be on the way to a sensible national dialog."

HUMAN RESOURCES

Here Dr. Ginzberg said: "There is another aspect of the draft that has been recently recognized for the first time by a President—that it offers the possibility of contributing substantially to improvement of the Nation's human resources.

"The draft mechanism provides us with the best personal inventory that any country could ask for. We can learn about the education, health, and general adjustment of all 18-year-old men.

"When we find large numbers suffering from serious defects—mentally, physically, and morally—it would behoove a big, rich country like ours to do something about it through remedial actions.

"If the draft continued, I would contemplate, favorably, the induction of these people and undertaking remedial programs within the military situation, or at least a paramilitary situation."

[From the Christian Science Monitor]

HOW U.S. FINDS MILITARY MANPOWER

(By Neal Stanford)

WASHINGTON.—Practically every American male, 18 through 26 (who is not deferred and is physically and mentally fit) can expect to do military service.

It will come some time during those 8 years—sooner or later, depending on whether he waits for the draft.

What so drastically cuts down the size of the 9 million-man draft pool in this country is the size and number of those exempt and deferred—plus those who enlist.

MINIMUM STANDARDS

Roughly a third of the country's male population, ages 18–26, is judged unfit for peacetime service.

These men cannot meet the physical and mental tests given all entering the military services.

This suggests that, as Norman Paul, Assistant Secretary of Defense for Manpower, said not long ago:

"If the needs of the armed services were simply for aggregate numbers of men under arms, irrespective of trainability or skill, it is possible that we could procure the number of individuals needed in all services today without recourse to the draft. As a practical matter, certain minimum mental, physical, and moral standards of acceptability for military service have been essential at all times * * *."

Since 1951 all enlistees and all draftees are examined under the same physical standards and under a common mental test. Each service also uses its own specialized supplemental aptitude screening tests.

The physical standards are essentially the same as in World War II.

ABILITY TO ABSORB

The mental test (Armed Forces Qualification Test) is aimed at measuring a person's general ability to absorb military training within a reasonable period of time.

The minimum passing score for inductees, set by Congress in 1951, corresponded to about a fifth-grade level of education.

The Korean war, however, showed this level too low for the "higher qualitative requirements" of the services in modern warfare.

In 1958 Congress allowed a supplemental aptitude test. This disqualified the lowest 15 percent of the draft-liable population.

ONE-THIRD ELIMINATED

Still, about a third of inductees are drawn from group 4, or the lowest acceptable mental category.

Physical and mental standards, then, eliminate about one-third of all young men examined for service—volunteers as well as draftees.

Next came the deferables—married men, students, those engaged in an exempt occupation—generally something to do with defense, security.

Draft boards are sympathetic to the educational efforts of those eligible for selective service.

They invariably permit high school students to finish their schooling. They generally permit those that want to go to college to do so. They even allow most of those wanting to work for a master's degree to work for it.

HESITANT ON PH. D.'S

But they are hesitant to allow work for a Ph. D. It is argued that a young man, by stretching out his education that far and getting regular deferments could reach 26 before finishing his schooling—and avoid (or evade) the draft.

High school students, however, are deferred not just because selective service is sympathetic to education in general, but because in practice 18- and 19-year-olds, even 20-year-olds are not called up, as older men are taken.

Fathers have been deferred all along.

Last September, the late President Kennedy deferred married men without children.

This was done primarily to cut back the size of the draft pool that was growing much faster at the bottom than it was being siphoned off at the top.

NO RUSH INTO MARRIAGE

His ruling did not, though, as some thought it would, create a rush to the marriage bureaus.

Before Mr. Kennedy's ruling, 3 out of 10 in the draft pool were married.

Now it is only about 33 out of 100.

However, the elimination of married men has lowered the average age of draftees by 1 full year—from about 23 to 22.

The explanation is the way the draft boards pick men to be inducted.

The first group called are the so-called draft delinquents.

They are not juvenile delinquents—but those who in some way or other have tried to skip the draft, avoid the call—gone AWOL, and so on.

They catch these boys first. It is a small group.

NEXT THE 26-YEAR-OLDS

Then they take those not exempt or deferred by age order, starting with the 26-year-olds who have not yet done their military service.

They want to be sure that, except for those exempt or deferred, everyone does his time in the service.

When all 26-year-olds are taken, then the 25-year-olds, and so on down the age list.

[From the Christian Science Monitor]

LEGISLATORS RESTUDY DRAFT

(By Neal Stanford)

WASHINGTON.—What's wrong with the draft—or UMT as the Universal Military Training Act is known?

Senator RICHARD B. RUSSELL, Democrat, of Georgia, has called it unfair.

Representative THOMAS B. CURTIS, Republican, of Missouri, says it is "neither universal, military, nor training."

More and more Congressmen are asking for changes in the law, or for doing away with it altogether.

Senator KENNETH B. KEATING, Republican, of New York, has asked for a Presidential commission to study defects in the law and recommend changes.

Mr. CURTIS has a bill before Congress to set up a joint congressional committee to study possible substitutes.

CONSIDERATION ORDERED

President Johnson has ordered Secretary of Defense Robert S. McNamara to consider alternatives to the present selective service system.

There seems to be a widespread feeling that there's something wrong with the draft.

What is it?

Here are the major criticisms floating around the Capital:

1. The draft should be, as it was before Pearl Harbor, only used in wartime—there is something un-American about it in peacetime;

2. The only thing universal about it is that everybody has to register; exemptions and deferments make a mockery of universality;

3. It is really a program to spur men to enlist for 4 years, rather than wait to be drafted for 2;

4. It makes a "hardship" case out of marriage, by linking it in deferment with parenthood, which can really be a "hardship";

5. It doesn't provide the increased demands under modern warfare for qualified technicians;

6. It keeps the 18- or 19-year-old in suspense as to his military prospects, making it difficult for him to get a job or go on with his schooling;

7. It discriminates in favor of the rich boy, encouraging him to continue his education and possibly evade military service;

8. Its system of screening and placements is haphazard and inadequate, wasting a lot of manpower;

9. Its physical and mental standards are obviously inadequate when a man like Cassius Clay is turned down;

10. It is providing such an ever-increasing draft pool that escaping the draft will become easier and easier.

While the peacetime draft is something new in American life, most Americans seem to have accepted it as a necessity. The contention of the military, that they needed it to get the men required, has so far persuaded, if not pleased, the Congress.

It is true that universal military training is far from universal. A third of the men in the draft pool are ruled out for physical or mental defects. Possibly 40 percent avoid it by enlisting. Another 10 percent or so are deferred because married or having dependents.

VOLUNTEERS SOUGHT

Another 10 percent stay out to continue their education or because of specialized talents. It is universal, then, for less than 10 percent—after exemptions, deferments, and enlistment.

It does spur enlistments, which is what the services want. They want volunteers as opposed to forced-duty inductees. They prefer young men, around 18 and 19—who make up most of the volunteers—to older 25- and 26-year-olds more set in their ways—who make up most of the draftees. And they want men for 4 years (3 for the Army) rather than just 2.

TECHNICIANS REQUIRED

The decision to defer married men, as well as fathers, has caused some young men to rush into marriage to avoid the draft, but not as many as expected. Still the possibility of using marriage to avoid the draft disturbs a lot of Congressmen.

The draft does not consider the dramatic shift in military manpower needs since Korea—particularly for electronics specialists. Actually, today the enlisted force requires more electronics technicians than infantrymen, more aircraft mechanics than cooks and drivers. This change in the required force structure of the services, plus the revolutionary changes in military technology have occurred, but with no change in the basic draft system.

While the deferment for education is approved by Congress, Congressmen are disturbed lest college, and particularly master of arts and doctor of philosophy work, be used to avoid the draft. Deferment has been left to the judgment of local draft boards, but there is considerable variation in the way the rule is applied. Obviously, deferment for schooling favors those who can afford it.

COMMENTS DRAWN

The case of Cassius Clay (the heavyweight boxer who lifted the boxing crown from Sonny Liston but who could not pass the Army's mental tests) has caused a lot of talk and some resentment. But, surprisingly enough, less than a dozen people have written to either President Johnson or Mr. McNamara criticizing his exemption from the draft.

He is said to have an intelligence quotient of about 78, below a fifth-grade educational level.

It is practically certain that Mr. Clay did not fake his low mental rating. The best psychologists the Army had saw to that. Actually Mr. Clay, "the greatest," would have made a marginal soldier at best. Most of the cries against his deferment came from the press, not the public.

A real danger to the draft system comes from the startling expansion of the draft pool. The military need stays constant, but the size of the pool increases each year.

Deferment of married men was a quick way of reducing the pool.

When it gets too big the possibility of escaping it obviously increases.

[From the Christian Science Monitor]

MANPOWER APPRAISAL—PENTAGON STUDIES DRAFT ALTERNATIVES

(By Neal Stanford)

WASHINGTON.—Is there an alternative to the draft?

Secretary of Defense Robert S. McNamara (under orders from President Johnson) is to consider alternatives, including the possibility of meeting requirements on an entirely voluntary basis in the next decade.

He has a year in which to come up with a report.

Put another way, the President has asked: Can the draft be done away with; and, if not, how can it be improved?

It could obviously be done away with under some circumstances.

Assistant Secretary of Defense (manpower) Norman Paul has said that if a third of the available manpower were not exempt for physical and mental reasons, the services could possibly recruit the numbers needed—but skill and trainability would be sacrificed.

Also, a draft probably would not be needed if the manpower needs of the services were cut enough. That would mean cutting forces from their present 2.7 million to well under 2 million.

LAPSE RECALLED

It is recalled that when the Draft Act was allowed to expire in 1947 for some 15 months, the number of men in uniform fell to 1.4 million, and a new draft law had to be passed to get the needed manpower. All the service chiefs have made it clear they think the draft is essential to keep the force levels at the present 2.7 million figure.

It is also possible that manpower needs of the services could be met were there a severe depression. With men out of work, and no prospect of a job for these 18- to 26-year-olds, it is obvious many would volunteer. But a depression is a heavy price to pay for eliminating the draft.

Another possibility would be to extend the service age limits both ways—take younger and older men than the 18–26 bracket. But that would not assure the caliber of enlistees desired. In fact, it might endanger it, and it would increase the number of "escapees."

ANOTHER WAY

Another possible way to get volunteers, rather than draftees, would be to extend the draft service to 4 years, making it equal to the time for enlistments in the Air Force and Navy.

If young men know that they would have to serve 4 years one way or the other, many probably would enlist rather than wait for the draft and pick their own service.

But if it is a case of a 4-year stretch as an enlistee against a 2-year stretch as a draftee, the time difference has its attraction.

Still another way to do away with the draft would be to make enlistments so attractive that volunteers would fill all the services, not just the Air Force, Navy, and Marines.

This could be done several ways, disregarding expense, of course.

The most obvious would be by a big pay boost.

RATE UNKNOWN

Mr. Paul of the Pentagon, however, has this to say about that approach: "It is sometimes contended that the draft could be eliminated if military pay rates were raised sufficiently. There may be some theoretical rate of pay sufficient to attract the required manpower—in total numbers—into the Army and the other services."

But, he continues, "we do not know—and have no accurate way of estimating—just how high that rate would have to be."

He points out that Congress has just approved the largest single military pay raise in history, about $1.2 billion. But it has not eliminated the need for the draft.

It is obvious that the additional compensation required (with manpower needs being where they are, and the economic picture being as promising as it is) would have to be high indeed. And it would have to be extra high to get the higher-quality personnel that is increasingly needed.

PROPORTION LOWER

Incidentally, foreign military-manpower systems do not seem to have found an effective alternative to some form of draft. The only two NATO countries currently not using some compulsory service system are the United Kingdom and Canada.

In both the proportion of men required for military service is far smaller than in the United States; and in Britain even with reduced strengths, there is trouble recruiting, especially for specialized personnel.

But there are other ways than direct pay increases to make enlistments more attractive, but not necessarily attractive enough to make the draft unnecessary.

The so-called fringe benefits of military service could be increased and enhanced.

Commissaries and PX's are a definite attraction, though the present trend is to close down some of these rather than increase their number and business.

Hobby shops and recreational facilities could be used more as enlistment inducements.

The retirement system and life-insurance payments could be made more attractive.

The military could do more in the way of education of its personnel.

Already the Pentagon has taken steps to encourage reenlistments—if not enlistments—in the most technical specialties. It has increased the rates of differential "proficiency" pay to specialists in the most technical-shortage skills to as much as $100 per month above the basic rates in other specialties.

Also there are more than 50 different programs under which young men can volunteer either in the Regular forces of the Reserve components for enlisted or officer service.

Figures show that about two-thirds of new enlisted personnel, after completing basic training, are assigned to specialist schools for courses ranging in length from 2 months to a year or more.

BIGGEST U.S. SCHOOL

Each year more than 2,000 different courses are offered in service schools and training centers. More than 370,000 personnel completed courses in these schools last year. The total cost of operating these schools and training centers is over $1 billion a year.

(This figure does not include pilot training, professional education, and the service academies.) This makes the Military Establishments, actually, the country's largest single training institution.

Education is certainly one way to make military service, and enlistment, more attractive. But despite the fact that it is being done already on a sizable scale, this has not been enough to make a draft unnecessary.

One substitute for the draft that has been seriously suggested and has some support is a national lottery. Selective Service Director Lt. Gen. Lewis B. Hershey is against it. It would substitute in some form or other the luck of the draw for present deferments, enlistments, and draft by age.

One proposal would have it be by birth dates, all those born on a certain date being drafted.

To sum it up:

Secretary McNamara has a year in which to come up with some alternatives, or substitutes, for the draft, and the military services are definitely skeptical.

General Hershey put it succinctly just the other day: "Not until there is a considerable change in the international climate can the United States end the draft."

SUPREME COURT NATIONALITY RULING

Mr. KEATING. Mr. President, Monday's Supreme Court decision declaring it unconstitutional to strip citizenship from naturalized Americans is a milestone of progress for the cause of human rights.

It is yet another proclamation in keeping with the fundamental command of the Constitution that there must not be any "second-class citizens" in our land.

Thousands upon thousands of naturalized Americans, who have chosen or are forced to live overseas for family, business, or other perfectly legitimate reasons, have cause to hail the Court's ruling as their Magna Carta.

But perhaps even more important, most of us are descendants of men and women who were not Americans at birth. The statute which the Court struck down stood as a symbolic badge of inferior status for all naturalized Americans, past and present, based on the fact of their ancestry alone. The time for removing this unconscionable blot from the nationality laws was long overdue, and if the Supreme Court had not decided the way it did, I would have continued to press for repeal of the statute as in previous bills that I have sponsored. I am happy that this will no longer be necessary.

There are still areas in our national life, however, in which discrimination based on national origin remains. Congress will, I hope, soon complement the Court's ruling of Monday with passage of the civil rights bill, which would go a long way toward annulling the stubborn vestiges of national origins discrimination. I am confident that we are finally approaching realization of the long dreamed-of goal of equal rights of citizenship for all Americans.

CIVIL RIGHTS RESOLUTION OF THE COUNCIL OF THE CITY OF BINGHAMTON

Mr. KEATING. Mr. President, the City Council of the City of Binghamton, N.Y., at a regular meeting held May 4, 1964, approved a resolution calling on the Congress to enact the pending civil rights bill without further delay.

Mr. President, I ask unanimous consent to have the resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

PERMANENT RESOLUTION 13

Resolution urging the passage of the civil rights bill by the Congress of the United States

Whereas there is before the Congress of the United States a civil rights bill which guarantees the rights of all citizens regardless of race, color, creed, or place of birth; and

Whereas the Council of the City of Binghamton urges the Congress of the United States to enact the civil rights bill without further delay: Now, therefore, be it

Resolved, That the Council of the City of Binghamton hereby requests that the Congress of the United States enact the civil

rights bill now pending before the Congress; and be it further

Resolved, That the clerk of the city of Binghamton forward a copy of this resolution to Senator KENNETH B. KEATING, Senator JACOB K. JAVITS, and Representative HOWARD W. ROBISON.

Attest:

WALTER O. IRVING,
City Clerk.

SOLVING THE PROBLEM OF THE SHORTAGE OF PROTEIN

Mr. LAUSCHE. Mr. President, in 1959, Dr. Williams D. Gray, professor of botany and plant pathology at Ohio State University, made a trip to Africa. Traveling through that continent, he observed in the inhabitants a devastating lack of protein as an essential food element. He found them subsisting on diets of corn, cassava, rice, and other foods rich in sugar and starches but low in urgently needed proteins.

After that 1959 trip to Africa, he returned to Ohio State University and began his research contemplating the conversion of carbohydrates and other materials into protein.

Dr. Gray has discovered a process whereby he will be able to convert wood pulp into protein.

The Toledo Blade, in its May 13 issue, published an article dealing with Dr. Gray's research on this subject. If the research work proves successful and Dr. Gray will be able to convert wood pulp, sugarbeets, and molasses into protein, a great step forward will be taken toward solving the food problems of many areas of the world.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DREAM COMING TRUE—OSU PILOT PLANT TURNING CARBOHYDRATE TO PROTEIN—RESEARCHER USES FUNGI IN PROCESS AIMED AT WIPING OUT MALNUTRITION

(By Ray Bruner)

Dr. William D. Gray's ambition, to help solve one of the world's major problems—a shortage of protein with the consequent and widespread protein malnutrition—was well on its way toward fulfillment today.

On the ground floor of the botany building at Ohio State University, in Columbus, where he had worked out his process for making proteins from carbohydrates ranging from beet sugar molasses to wood, his new 60-gallon pilot plant has turned out its first batch.

Dr. Gray also has just completed negotiations with the firm of William Stewart & Arnold of High Wycombe, England, to manufacture protein from starch waste on a large industrial scale.

He is planning to leave June 1 for a series of lectures on his process in India, where interest appears to be the greatest because of food shortages.

In the interest of the potentialities of using the process on a large scale for making protein from sugarbeets and sugarbeet pulp, Dr. Gray this week received a shipment of beet pulp from the Northern Ohio Sugar Co. in Fremont.

At the forest products division of the Owens-Illinois Glass Co. in Toledo a batch of wood pulp is being prepared for shipment so he can try out this material, also a source of protein.

He is negotiating with the potato processing industry in Idaho for a shipment of potato waste, for the same purpose.

SAMPLES TO BE SENT

After his return from India in August he plans to send out samples of his finished product to be tried as a source of rich protein food for human consumption and as a protein feed supplement for poultry and livestock.

Not only has Dr. Gray's process attracted interest in northwestern Ohio as a possible basis for a new industry for the use of sugarbeets and beet byproducts as a raw material, but officials of the Maumee Chemical Co. here have been interested in taking advantage of it as a source of amino acids, which are components of proteins important in nutrition.

Dr. Gray, as a professor of botany and plant pathology at Ohio State, originally became interested in finding a way to produce protein on a large scale from carbohydrate sources during a trip to Africa in 1959.

Traveling through Africa he observed the devastating lack of protein as an essential food element.

DIRE NEED FOUND

He found the inhabitants subsisting on diets of corn, cassava, rice, and other foods rich in sugars and starches but low in urgently needed proteins. Men, women, and children had to consume large quantities of the starchy food to get enough protein to build up their bodies and to maintain their vitality. Many were lean and emaciated. Children, suffering from protein malnutrition after weaning, died of kwashiorkor—a devastating deficiency disease which is highly prevalent in many of the world's underdeveloped and heavily populated countries.

Being a plant pathologist, he was well acquainted with the fungi in a great many different forms. Fungi in molds, mushrooms, and other forms subsist in large quantities on plant materials rich in carbohydrates.

Could not some of these fungi be cultured on carbohydrates and be sources of food proteins? One classification of fungi seemed to have the most promise. They are called fungi imperfecti.

So when he returned to Ohio State he started to work. He used his own sources of supply of fungi imperfecti, which number in the thousands, and obtained others from mycologists from various parts of the country.

He cultured his fungi in laboratory jars, in a great variety of culture media—containing carbohydrates. Some of his media even included wood. From Sanford G. Price, chairman of the board of the Gibsonburg Lime Product Co., Gibsonburg, Ohio, he was sent a quantity of sugarbeets. He found these one of the best sources of raw material. One reason was that they contain nitrogen which is essential for maintaining the cultures.

Dr. Gray found he was able to exchange 6 pounds of carbohydrate, such as blackstrap molasses, beet molasses, whole sugarbeets, or cassava flour for 1 pound of protein. In aerated cultures the process of producing protein was complete in about 30 hours.

PETROLEUM TRIED

He has even tried out petroleum as a source of protein—a process which is now under development in France. This, also was found to be successful.

Early this year, he was able to enlarge his activity. The Brunswick Scientific Co., New Brunswick, N.J., sent him equipment necessary to try his process on a pilot plant scale—a 60-gallon stainless steel vat and other equipment—which Dr. Gray and his associates put to work in the botany building.

Dr. Gray had his various protein products analyzed. They were found to contain all the known amino acids, and all essential amino acids for human and animal nutrition. He fed his proteins to rats, mice, and the Asiatic quail. All three types of animals thrived on it.

His pilot plant now will provide him with large enough quantities of protein for the trial feeding of cattle, hogs, chickens, and other domesticated animals.

LARGELY TASTELESS

His proteins are largely tasteless. This, however, is not a major concern in their use for human consumption, in view of the many different food flavoring compounds that are currently available.

Some of the products are richer in protein than dried chipped beef.

Dr. Gray sees no reason why the products could not be manufactured in vats with a capacity as large as 25,000 gallons, on a full-industrial scale. The equipment needed is already in use in a variety of industries. Furthermore the problem of culturing fungi on a massive scale already has been solved in the antibiotic and fermentation industries.

If the pilot plant production proves successful, the principal requirement will be funds to finance industrial production. So far, Dr. Gray's work has been made possible by grants from the university's Mershon Committee for Education in National Security and the Rockefeller Foundation.

FORTHCOMING NEGOTIATIONS WITH RUMANIA

Mr. LAUSCHE. Mr. President, a telegram has been sent to the Honorable W. Averell Harriman, by representatives of the Conference of Americans of Central-Eastern European Descent, pleading with Mr. Harriman that in the negotiations which are now taking place with the Government of Rumania the commitments and pledges which our Government made with Stalin, Churchill, and Roosevelt, when they met on the *Augusta* in the Atlantic in 1941, promising to the peoples of the world that in the establishment of governments the right of open and free public elections would be maintained, be not forgotten.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Ohio be recognized for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. In this telegram, Mr. Harriman is requested, while making concessions to Rumania, to attach conditions that would achieve the following aims:

First, to free all political prisoners, disband all forced labor camps, and suppress forced residence.

Second, to authorize the International Red Cross to check on compliance with such obligations.

Third, to restore the political, civil, professional, and residential rights of all actual and released political prisoners.

Fourth, to reestablish the full exercise of religious freedom, permit forcibly suppressed churches and religious bodies to resume their activity, and release all

churchmen, nuns, or laymen detained in violation of article 3 of the peace treaty.

Fifth, to reorganize the administration of justice, to bring it into accord with Rumania's international obligations, and repeal all legislation and administrative measures conflicting with articles 3 to 11 of the Universal Declaration of Human Rights.

Sixth, to permit Rumanian relatives of American citizens and residents to bring their families to the United States.

Mr. President, I ask unanimous consent to have the complete text of the telegram printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MAY 13, 1964.

Hon. W. AVERELL HARRIMAN,
Under Secretary of State,
Department of State,
Washington, D.C.:

The Conference of Americans of Central and Eastern European Descent, speaking in the name of 15 million loyal American citizens tied to the captive nations by links of family and sentiment, respectfully appeals to you, Mr. Secretary, to uphold in the forthcoming negotiations with representatives of the Romanian People's Republic the right of the Romanian people to self-determination, that is full independence and free choice of government. The conference trusts in particular that our government will avail itself of the leverage the economic difficulties of the Bucharest regime afford to it, in order to ask, in return for whatever economic or other advantages the United States may attend, for compliance with article 3 of the peace treaty with Romania which said regime continues to disregard and flout. Specifically we urge you to ask that as a token of faith and as evidence of the sincerity of the claim that it is now following an independent course, the Communist regime in Romania should:

1. Free all political prisoners, disband all forced labor camps and suppress forced residence;

2. Authorize the International Red Cross to check on compliance with the above obligations;

3. Restore the political, civil, professional and residential rights of all actual and released political prisoners;

4. Reestablish the full exercise of religious freedom, permit to forcibly suppressed churches and religious bodies to resume their activity and release all churchmen, nuns or laymen detained in violation of article 3 of the peace treaty;

5. Reorganize the administration of justice to bring it in accord with Romania's international obligations, and repeal all legislation and administrative measures conflicting with Articles 3 to 11 of the Universal Declaration of Human Rights;

6. Permit Romanian relatives of American citizens and residents to bring their families to the United States.

These are in our view minimal demands the United States has the right and legal obligation to put forward. We trust that the delegation you will be heading will do so.

Respectfully,
Msgr. JOHN BALKUNAS,
Chairman.
PAMFIL RIPOSANU,
Chairman, Political Committee.

THE MARYLAND PRIMARY ELECTION AND ITS EFFECT ON CIVIL RIGHTS

Mr. JAVITS. Mr. President, I wish to make a few observations regarding the Maryland vote yesterday, which is so important because of its effect on the debate on civil rights on the floor of the Senate.

First, on the Republican side, it is gratifying to note the easy victory of the Senator from Maryland [Mr. BEALL], as well as Representative MATHIAS' impressive victory, in both cases against candidates opposed to the civil rights bill. I believe it is generally encouraging to us. On the other hand, there is no gainsaying the fact that Governor Wallace's showing was somewhat larger than had been expected. It is gratifying that a decisive majority—because this was really a vote on civil rights—was for civil rights, even in a border State. We owe a debt of gratitude to the Senator from Maryland [Mr. BREWSTER] and others who led the fight. This was a bipartisan fight, with Republicans such as Mayor McKeldin of Baltimore urging Democratic voters to oppose Governor Wallace.

Mr. President, the Maryland election results teach us one lesson, and that is that we cannot rely upon the fact that the facts will be known to the voting public. There were some outstanding misrepresentations made in the Wallace campaign.

For example, Mr. Wallace is quoted as having said:

> An employer can lose his right to hire whomever he might choose—the power being vested in a Federal inspector who, under an allegation of racial imbalance or religious imbalance, can establish a quota system whereby a certain percentage of a certain ethnic group must be employed as supervisors, skilled, and common labor.

The fact is that the bill is enforceable only in the courts and in no respect imposes a quota system or racial imbalance standard.

Another thing that people were put in fear about was seniority in trade unions. Governor Wallace said that union seniority systems would be abrogated and that white men's jobs would be taken and turned over to Negroes. That is untrue. The only thing that the bill will do—and the administration of existing State laws has confirmed it—is deal with outright cases of discrimination.

The same kind of misrepresentations were made in the case of housing, Federal aid to education, jury trials, et cetera. I think these errors should be put at rest by the highest source. Let us remember that this is a presidential primary, and I think it is up to the President to use the resources of his office to talk to the American people, not in generalized terms, but in the clearest specifics. I think it is time that the President make it clear to the American people as to what is in the bill and what is not in the bill.

The Presidency is a powerful podium from which convincing information may be conveyed to the American people. No one knows whether 43 percent of the Democrats in Maryland would have voted for Governor Wallace, no matter what anyone said. But I think that the facts should have been and ought to be spelled out from the highest source—the Presidency itself. I think that all the misinformation and myths ought to be corrected.

I believe that the President owes it to himself, to the country, and to those who are against segregation and discrimination to do this. I do not think that the segregationist forces ought to have the benefit of misrepresentations, which could be, and, which should be, disputed by the President himself when the issue involves a primary campaign for the Presidency.

I ask unanimous consent that I may submit as part of my remarks a fine analysis on this point, made by the Washington Post under date of May 17, 1964, citing the actual representations of Governor Wallace.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RIGHTS BILL FACTS VERSUS WALLACE VIEWS—MANY OF ALABAMA'S CRITICISMS ARE IDENTICAL TO THOSE OF OTHER FOES OF MEASURE

(By James E. Clayton and Robert E. L. Baker)

Throughout his current campaign in Maryland, Alabama Governor George C. Wallace has spoken again and again about the civil rights bill now before the U.S. Senate.

Many of his comments are identical to those of other opponents of the legislation. Following is a comparison of some Wallace statements with the provisions of the bill:

PUBLIC ACCOMMODATION

Wallace: "There is virtually no aspect of business life which will not be affected by the public accommodations section of this bill. If you are engaged in any profession where you offer your personal services, you cannot refuse to serve anyone without fear of violating this act. If an establishment offers goods and services for sale, hire or use and is open to the public, then it is subject to Federal regulation."

Fact: Many businesses will not be affected by this section of the bill. The bill does bar discrimination by hotels, motels, boarding houses, restaurants and other eating places, gasoline stations, movie houses and other places of amusement. It applies to other businesses only if they are located physically on the premises of one of these or closely connected to it.

Wallace: "Under the provisions of this section of the act, the lawyer, doctor, beautician, or barber, plumber, public secretary-stenographer would no longer be free to choose their clientele."

Fact: The bill does not apply to lawyers, doctors, barbers, plumbers, beauticians, public secretaries, and so on unless their offices are located in, and they primarily serve, customers of a hotel, motel, restaurant, amusement place or gasoline station.

Wallace: "Fraternal and social organizations, churches, religious organizations, the Masonic lodge, the Knights of Columbus and all similar organizations could be subjected to Federal control."

Fact: The bill says that the public accommodations section does not apply to a bona fide private club or other establishment not open to the public except when its facilities are made available to guests in hotels and motels, customers of gasoline stations, restaurants or lunch counters, or spectators and participants at amusement places. It is this exception that Wallace calls a "sleeper designed to destroy the privacy of private clubs." The legislative history of the act makes clear that this exemption is intended to mean, for example, that a private golf course is free to discriminate except that if it lets white guests of a hotel use the

course it must also let Negro guests of that hotel play.

Wallace: "There is a common belief that the public accommodations section is only applicable to interstate commerce. This is absolutely untrue. Any person, firm or corporation who pays a business license to a State or other governmental body can be included."

Fact: Wallace is apparently talking about a proposal made and rejected almost a year ago. This section of the bill applies to the businesses listed above if they are in interstate commerce. It also applies if these businesses discriminate because they are required to do so by State or local laws or by the activities of State or local officials.

Wallace: "The classic example is the neighborhood boarding house. * * * The business is usually in the owner's home. Under the provisions of the bill we discuss, any and all transients would have the unqualified right to invade the owners' home and obtain lodging."

Fact: A neighborhood boarding house is exempt from the act if it has less than six rooms and is in the proprietor's home. Even in boarding houses that are covered by act, there is no unqualified right to lodging. The proprietor is barred from rejecting a guest because of his race or religion but he is not barred, for example, from rejecting a guest because he is drunk or because he has children.

FAIR EMPLOYMENT

Wallace: "An employer can lose his right to hire whomever he might choose—this power being vested in a Federal inspector who, under an allegation of racial imbalance or religious imbalance, can establish a quota system whereby a certain percentage of a certain ethnic group must be employed as supervisors, skilled and common labor."

Fact: The employer does lose his right to hire only whites or only Negroes because the bill bars discrimination in hiring because of race, sex, or religion. The power of hiring, however, is not vested in a Federal official. If an employer discriminates, a Federal court can order him to stop it and punish him if he continues. The bill neither establishes nor permits a quota system. It bars an employer from hiring a man because he is a Negro in exactly the same way it bars him from refusing to hire a man because he is a Negro.

In its first year, the bill would apply only to firms with 100 or more employees. After 3 years, it would apply to all firms with more than 25 employees. It would never apply to smaller firms.

Wallace: "An old and qualified employee must be fired * * * although his personal abilities are valued and his services constitute a major portion of the goodwill of his employer * * * Union seniority systems will be abrogated under the unlimited power granted to Federal inspectors to regulate hiring, firing, promoting, and demoting."

Fact: The bill makes it illegal to hire, fire, promote, or demote on grounds of race, religion, or sex. The bill does not require an employer to fire anyone. Union seniority would not be affected but unions would be barred from denying membership on racial or religious grounds.

Wallace: "It will take white men's jobs and turn them over to Negroes."

Fact: The Justice Department says the bill would make it just as illegal to fire whites in order to hire Negroes as it would to fire Negroes in order to hire whites. The bill would not require an employer to create jobs for Negroes but it would bar him from refusing to hire qualified Negroes solely because of their race.

Wallace: The Federal Government would preempt the field and this act would wipe out State fair employment acts.

Fact: The bill specifically says it does not preempt the field. It would wipe out State laws only if they conflicted with it or were ineffective.

EDUCATION

Wallace: "The U.S. Commissioner of Education would be empowered to enter a school and transfer children from one school to another to accomplish either racial or religious balance. In other words, your child could be transferred across town in order to meet the Government's requirement that a Protestant child be admitted for the sake of assuring that there are exactly the same number of Protestants, Catholics, and Jewish children enrolled."

Fact: The Commissioner of Education would have no such power. The bill specifically bars Federal agencies from activities encouraging the assignment of students to public schools in order to overcome racial imbalance." Wallace gets around this clause by arguing that other sections of the bill bar schools from discriminating. But a leading court decision says that assigning students by race to end imbalance is just as unconstitutional as assigning students by race to maintain segregation.

HOUSING

Wallace: "Through a blackmail process of threatening the homeowner with cancellation of his loan, Federal agencies can destroy the homogeneous neighborhood and dictate who you shall sell your real estate to, who you shall rent a room to, who will be your lease tenant."

"It is a back-door, open-occupancy bill."

Fact: Housing loans are specifically not covered by the bill. Apparently, Wallace is referring to the President's housing order of last fall.

That order bars banks and developers that receive Federal guarantees on housing loans from discriminating against customers on racial grounds.

Nothing in the order stops an individual from selling his house to any other individual.

VOTING

Wallace: "Under this act, the Attorney General of the United States could control an entire important voting area by making general allegations of discrimination without accompanying proof of truth."

Fact: The bill gives the Attorney General no new power over voting except to allow him to ask that three Federal judges rather than one judge hear voting cases. What Wallace is apparently talking about is a proposal made and rejected last fall.

Wallace: "All State laws defining voter qualifications will be immediately modified."

Fact: The bill would modify requirements for voting in Federal elections, not State elections, in some States. It bars a State from applying different standards to Negro and white registrants. It bars States from using minor errors as grounds for rejecting would-be voters. It says that if a State uses a literacy test, anyone with a sixth grade education is presumed to be literate. In States where voting qualifications are applied evenly to all persons, the bill would have little, if any, effect.

FEDERAL AID

Wallace: "Through the heavy hand of Federal financing, the farmer, the realtor, the industrialist, the developer, and all other facets of the free enterprise system will be regulated to a degree that it will almost necessitate an OK from Washington before any action at all is taken."

Fact: The bill affects the farmer, realtor, industrialist, and developer in two ways. If he employs more than 25 persons, he would be barred from discriminating in hiring, firing, promoting, etc. If he receives financial aid from the Federal Government, he would be barred from discriminating in any way.

JURY TRIALS

Wallace: "This legislation, in conjunction with statutes previously enacted, provides punishment for violations which may include not only fines, but imprisonment of citizens and local officials, without trial by jury. I state unequivocally that the jury system is on the verge of destruction."

Fact: As it now stands, the bill permits Federal judges summarily to try, convict, and sentence those who refuse to obey court orders. Except as Congress has specifically provided, there has never been a right to a trial by jury in such contempt of court cases. Most States, including Alabama, do not authorize jury trials in contempt cases.

Mr. RUSSELL. Mr. President, at the outset, I wish to make it perfectly clear that nothing that I shall say is intended to reflect in the slightest degree upon the Senator from Maryland [Mr. BREWSTER], whom I hold in high esteem.

The Senator from New York [Mr. JAVITS] has just indicated an opinion that the so-called civil rights legislation was the issue involved in the presidential primary in Maryland yesterday. With that statement I am in hearty accord.

Before discussing the primary, let me reiterate what I said a few days ago. I have not participated in any way with Governor Wallace's campaign and have had no contact with him in any way during the time the pending bill has been under discussion. He has not asked my advice or assistance in regard to any of the primaries he has entered.

There is no doubt in my mind that the voting in the Democratic primary yesterday in Maryland discloses a steadily increasing ground swell of apprehension among the people of this country over this deceitfully titled legislation. They are becoming increasingly concerned as they learn more about the bill and have a better understanding as to its impact upon our great system of government and the threat that it poses to the individual liberties and property rights they expect their children to inherit.

No man ever entered any political campaign under greater handicaps than Governor Wallace carried into the Maryland contest. He was subjected to violent personal attacks, branding him as a bigot totally lacking in character. The State of Alabama whence he comes was depicted as the most backward of States with sadistic officials employing brutal means of mistreating its Negro citizens. Even the U.S. Information Agency, supported by tax moneys, on one occasion sent around the world pictures of police dogs being used to quell demonstrations in Birmingham. Indeed, that seems to be an honor reserved for "Bull" Connor's dogs. Since Birmingham, I have seen numerous pictures in the papers where dogs were being similarly employed by other police departments in New York, Boston, and other centers of culture. They depict occurrences very similar to those happening in Birmingham. For some reason, they are not so attractive to the officials of USIA.

In the course of his campaign, Governor Wallace was picketed and lampooned at almost every appearance that he made. Men of the cloth picketed his meetings carrying highly critical signs.

On my way to the Senate Chamber this morning, a young man handed me the cartoon I hold in my hand, depicting Governor Wallace and his supporters and associates as the vilest sort of ani-

mals. He told me that this cartoon and a number of others portraying the Governor as a monster in human form were distributed among the crowd present at the meeting by a group of ministers.

Governor Wallace's opponent in the primary is probably the most popular political personality in Maryland today. The distinguished Senator from Maryland [Mr. BREWSTER] enjoys a splendid reputation, and his popularity is completely justified.

Senator BREWSTER was supported by both the National and State political organizations and every well-known public figure in his State whether Republican or Democrat. The Baltimore Sun, the largest daily in the State, and the Washington papers having a wide circulation in Maryland were active in the fight against Governor Wallace.

I have always understood that in party registration in Maryland that the Democratic registration greatly outnumbers the Republican, even though the Republicans often win with Democratic votes. Nearly every prominent Republican in the State, including former Governor McKeldin, endorsed and supported our distinguished colleague, Senator BREWSTER. I heard a great deal about "crossovers" in primaries. The Republicans who registered as Democrats in Maryland had every inducement to vote against Wallace.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. He was attacked by the editorials of radio and television stations. In addition to the combination of these odds, 10 popular Members of the U.S. Senate went into the State of Maryland to oppose Governor Wallace's candidacy and to campaign in favor of the pending civil rights bill. Included among them were such popular and distinguished Members of this body as the Senator from Connecticut [Mr. RIBICOFF], probably the best known and most popular figure of his faith in the Nation, and the junior Senator from Massachusetts [Mr. KENNEDY], brother of our martyred President and a captivating political figure in his own right. They and eight other Senators of ability and stature went into the State of Maryland to support this issue and attempt to win a great victory for what are called the civil rights forces.

The amazing response to Governor Wallace's candidacy in spite of all of these odds clearly demonstrates that the American people are getting a better understanding of the real truth about the pending bill. Thousands of them want no part of a measure that will change our system and demonstrated their objections by the practical way of voting to support Governor Wallace's outspoken fight against what has been labeled "civil rights legislation."

It is heartening to know that the American people are not being deceived by the constantly repeated statement that this is a "modest bill, a moderate bill, a bill that does not take away anyone's rights but is merely an effort to establish equality before the law." They are increasingly aware of the fact that this is really a force bill to bring the Federal power into play to compel social intermingling of the races and social equality even if it means depriving one of the groups involved of the right to choose their associates.

Mr. President, if this bill is passed by the Congress, it may not have any great impact on this year's elections, but you may be sure that without regard to political parties, it will be an issue in every section of the country when our freedom-loving people realize what has been done to them by the politicians.

If it is enacted, we will see more new faces in the Congress over the next 4 to 6 years as a result of this issue than have ever been brought to Washington by any other single vote. It will not be a party question, but I unhesitatingly predict that if it does pass, the elections 2 years from now and 4 years from now will manifest the resentment of our people at this distorted use of Federal power.

Mr. President, I ask that an AP article from the Atlanta Journal of Monday, May 18, touching upon the campaign activities of Members of the Senate in Maryland may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RUSSELL. Mr. President, I also ask unanimous consent to have printed in the RECORD an article from today's Washington Post by Mr. Laurence Stern containing an analysis of this election. It is headlined, "Negro Tally Tips Scales to BREWSTER."

The PRESIDING OFFICER. Without objection, it is so ordered.

NEGRO TALLY TIPS SCALES TO BREWSTER

(By Laurence Stern)

NEW YORK, May 19.—Negro voters supplied the thin margin of victory to Senator DANIEL B. BREWSTER in Maryland's presidential primary yesterday.

A study of the vote by CBS News–IBM Vote Profile Analysis (VPA), based on model precinct returns, showed that Alabama Gov. George C. Wallace carried white Maryland by a percentage point.

The VPA study also showed evidence of a white "backlash" reaction on civil rights among low-income Baltimore laboring groups and in the middle class suburbs of Baltimore.

Suburbia was almost evenly split in the presidential race, with BREWSTER carrying Washington's suburbs handily and Wallace carrying the outlying regions of Baltimore, VPA showed.

This was explained on the basis of the heavy Federal employment pattern in Montgomery and Prince Georges Counties. The areas that ring Baltimore have stronger southern traditions.

Wallace did well on the Eastern Shore as expected, carrying about four-fifths of the vote there.

In western Maryland, the chain of mountainous counties to the west of Washington, BREWSTER carried about three-fifths of the vote.

Negroes in Maryland gave about 90 percent of their votes to BREWSTER and turned out in larger numbers than in previous elections. Only about 2 percent of the State's Negro votes went to Wallace. Andrew J. Easter, an obscure perennial candidate, drew three times as many votes among Negroes as Wallace did.

RIGHTS SENTIMENT

The statewide breakdown of votes between BREWSTER and Wallace—52.5 to 43 percent—roughly paralleled sentiment on the civil rights bill, according to Political Analyst Louis Harris.

The big surprise in the Maryland race was the razor-thin edge for Wallace among the State's white voters.

Wallace polled most heavily among Catholics, who comprise a large percentage of both the Baltimore City and Baltimore suburban vote. Substantially more than half of the State's Catholic voters cast their ballots for Wallace.

BREWSTER got more than half of the Protestant vote and was an overwhelming favorite among Jewish voters.

Wallace edged BREWSTER among white Anglo-Saxon Protestants and ran substantially stronger than BREWSTER among Polish, Italian, and German nationality groups who are concentrated predominantly in Baltimore.

A substantial number of lower income whites who voted for Wallace are comprised of steel and shipyard workers in Baltimore who are worried about jobs and encroachments by Negroes into their neighborhoods. This sharply paralleled the reaction of steelworkers in Gary, Ind., who delivered a majority vote for Wallace in the Hoosier State preferential primary.

In a breakdown of economic groups, the VPA study showed that the top income brackets gave BREWSTER a large lead while lower economic groups favored Wallace by a shade. The lowest layer of wage earners, containing a large number of Negroes, voted overwhelmingly for BREWSTER.

Wallace made his strongest showing in rural towns and farm areas where he grabbed from more than half to nearly two-thirds of the vote.

BREWSTER'S overall strength lay in the urban and metropolitan regions. Overall, the two candidates faced a standoff in suburbia.

TYDINGS SUPPORTED BY WHOLE ELECTORATE

Joseph D. Tydings won broad support from virtually all segments of the Maryland electorate in his Democratic Senate race with Comptroller Louis L. Goldstein.

According to the CBS News-IBM Vote Profile Analysis (VPA) the 36-year-old former prosecutor accumulated his greatest margin of victory in the suburbs of Baltimore. He also won heavily in Baltimore City, suburban Washington and the Eastern Shore. Only in sparsely populated Western Maryland did Goldstein outdraw Tydings.

Goldstein, who is Jewish, eked out a narrow margin over Tydings among Jewish voters. In other religious groupings, Tydings made his strongest showing among Catholics, who balloted for him by a margin of nearly 2 to 1.

Substantially more than half of the State's Protestant voters chose Tydings.

The VPA analysis suggested a possible spin-off influence on the Senatorial race from the heated Presidential primary battle between Senator DANIEL B. BREWSTER and Gov. George C. Wallace.

Tydings, running as an antimachine candidate, showed surprising strength in Baltimore City districts that normally are delivered for the State organization. These were areas in which Wallace, too, polled strongly.

Goldstein was running as teammate of favorite son presidential candidate BREWSTER.

Tydings, however, drew more than half of the State's Negro votes while Goldstein drew less than a third, according to VPA. An obscure Baltimore candidate, Morgan Amaimo, carried about 15 percent Negro support.

SENATOR KENNEDY ASKS BREWSTER WIN

BALTIMORE, MD.—Senator DANIEL B. BREWSTER has rested his campaign to block Gov. George C. Wallace in Maryland's Democratic presidential primary Tuesday after touring a section of Baltimore with Senator EDWARD M. KENNEDY, brother of the late President.

Wallace, Governor of Alabama, makes his last personal appearance tonight at a rally in a Baltimore suburb.

A crowd of about 3,000 turned out for the street parades to greet KENNEDY and BREWSTER in south Baltimore, an area of varied ethnic groups, largely Italian and Polish.

KENNEDY compared the neighborhood to south Boston, and said: "The Irish and the Poles came to this country looking for a better life; the Democratic Party gave it to them."

He recalled his brother's visits to Baltimore in the 1960 presidential campaign.

"You in south Baltimore gave him your help and your support," he said. "The man who is running against DANNY BREWSTER is against everything the President lived for and worked for."

KENNEDY was received with warmth and friendliness, but sentiment for Wallace was evident.

There were signs: "Stand up for America—vote for Wallace" and "Senator KENNEDY—why are you in favor of putting a white man in jail for choosing his customers at the bar-restaurant on the corner?"

KENNEDY was the 10th Democratic Senator to appear in behalf of BREWSTER, who is running to hold Maryland's delegation to the Democratic National Convention in line for President Johnson.

The primary winner is entitled to Maryland's 48 convention votes at least on the first ballot. Voters who don't like either candidate can vote for an uninstructed delegation.

Wallace, a segregationist making his third and final election challenge to Johnson's civil rights program, is expected to do better than the 29.8 percent of the Democratic vote he received in Indiana and 33.7 percent in Wisconsin.

FRANCES K. HUTCHINSON MEDAL AWARDED TO SENATOR CLINTON P. ANDERSON FOR OUTSTANDING NATIONAL CONSERVATION SERVICE

Mr. McGOVERN. Mr. President, I wish to advise the Senate that one of our Members has been honored with an outstanding national conservation award and, in winning it, has brought honor to himself and the Congress.

The Frances K. Hutchinson Medal, established as an award in 1940 and given annually in recognition of service of national importance in the field of conservation upon the joint recommendation of the conservation and medal award committees of the Garden Club of America, was on May 13 presented to the senior Senator from New Mexico, Senator CLINTON P. ANDERSON.

Senator ANDERSON, a native of South Dakota, is the 23d recipient of the award, and the first Member of the Congress of the United States to receive this honor.

The outstanding national significance of the award is indicated by the distinguished citizens who have received it.

Dr. Hugh H. (Big Hugh) Bennett, the father of our national soil conservation program, was awarded the medal in 1944 for his scientific contributions to conservation.

Walter E. Disney received the award in 1954 for his contribution to conservation in such film productions as "Beaver Valley" and "Nature's Half Acre."

Jay Norwood (Ding) Darling, the famed cartoonist and naturalist, was honored in 1955 for pioneer work in the field of practical application of conservation.

The late Rachel Louise Carson received the award in 1952 for her contribution to conservation, including her book, "The Sea Around Us."

Fairfield Osborne, Kent Leavitt, Paul Sears, Sigurd Olson, Horace Albright, Dr. Clarence Cottam, Louis Bromfield, Pearl Chase and every other recipient has been a truly outstanding national figure.

Senator ANDERSON's name adds luster to this illustrious list of conservationists.

The citation of Senator ANDERSON, read at the award ceremony in Portland, states:

THE FRANCES K. HUTCHINSON MEDAL

With a philosophy of responsibility toward our natural resources, believing them to be under man's trusteeship rather than in his possession, CLINTON ANDERSON has continued his long drive to educate the United States in the need to preserve the irreplaceable against encroachment.

The policies he urged as Secretary of Agriculture were strongly oriented toward conservation; and one of his first actions as Senator from New Mexico was the Anderson-Mansfield bill of the 81st Congress which provides for the reforestation of burned over and barren forest lands. He is not only practical in his work on forestry reclamation, but he works also for the appreciation and preservation of other esthetic values. Under his sponsorship, mining was prohibited within significant distance of a scenic roadway in the Santa Fe National Forest; and it was he who introduced legislation to protect the magnificent view across the Potomac from George Washington's home in Mt. Vernon when it was in jeopardy.

The Senator's concern was manifested in his introduction of the measure that authorized the establishment of the Outdoor Recreation Resources Review Commission and again when he introduced legislation to implement the Bureau of Outdoor Recreation recommended by the Commission and created by President Kennedy. It was due in part to Senator ANDERSON's efforts that legislation was passed to preserve three recreational seashore areas: Cape Cod on the east coast, Padre Island on the gulf coast, and Point Reyes on the west coast. Through his effective leadership as chairman of the Senate Interior and Insular Affairs Committee the Wilderness Preservation Act was passed by the Senate.

CLINTON ANDERSON has discharged his tasks of great public trust and responsibility with integrity, high accomplishment, and imagination. Just a year ago the Senator was honored by Members of the House of Representatives, the Senate, and hundreds of others at a large testimonial dinner in Washington—this evening it is the Garden Club of America that is honored by awarding the Frances K. Hutchinson Medal for Service in Conservation to CLINTON P. ANDERSON.

MAY 13, 1964.

Those of us who have served with the distinguished Senator from New Mexico in the Senate could add to that citation. The Senator has been an outstanding leader of conservation legislation in many fields. In the water resources field, he has been identified with speeding the development of salt- and brackish-water conversion techniques, with the water resources research bill, river basin planning, and aid to States for work in the water planning field. He has been a leader in the development of a new resource for all mankind—nuclear energy. He is a space resource pioneer. His support of social security, the Employment Act, medicare, and many other measures testify to his concern for the conservation of human resources.

I think I speak for all Members of the U.S. Senate on both sides of the aisle when I congratulate the Garden Club of America on its selection of Senator ANDERSON to receive the Frances K. Hutchinson Medal and advise them that the Senate of the United States agrees enthusiastically with the judgment of their conservation and awards committees.

I ask unanimous consent to include at this point the response of Senator ANDERSON upon receiving the medal.

There being no objection, the acceptance remarks of Senator ANDERSON were ordered to be printed in the RECORD, as follows:

I have many reasons to appreciate this award.

First, on the scroll of those who have been given the Frances K. Hutchinson award, it is a great honor to be included with men like Hugh Bennett, Jay Darling, Walt Disney, Dr. Clarence Cottam, and a great lady like the late Rachel Carson.

Next, I value the recognition you have given for the first time to the Congress of the United States. It is a source of satisfaction to know that some people feel I have performed services of merit in my years in public life, but I would be helpless there without the constant support of dozens of dedicated men and women who serve with me, and I feel sure you would want me to accept your award as much for them as I do for myself.

Finally, the best of all is to receive this honor from an organization of private citizens devoted to creating and conserving natural beauty all the way from our backyards to outstanding areas of such great grandeur that they have national significance—people who create an appreciation of the beauty, or the potential beauty, of things immediately about us.

I can recall during the great depression in the thirties when a man died of starvation along a roadside a few miles out of Birmingham, Ala. Dr. George Washington Carver, of Tuskegee, subsequently demonstrated that there was nourishment enough to sustain a dozen people in the vegetation and the roots of plants the man had passed over in his last few hours. He had not been trained to appreciate their nutritive value. He died with abundance about him.

The Garden Club of America and the garden clubs and their members who, like Frances Hutchinson, seek no reward but personal enjoyment and the privilege of sharing their pleasure with others, are doing a wonderful work by creating understanding of the fact that beauty and the therapeutic values in nature can be everywhere about us if we recognize, conserve and cultivate them a little.

Your award of the Frances K. Hutchinson Medal this year is in a considerable measure an award to your own great movement.

We have been able to initiate some sound conservation measures in Government in recent years, and to enact a few useful conservation laws. But the seeds were planted, the crop fertilized, the weeds pulled, and the harvest made possible by your husbandry.

I accept the Frances K. Hutchinson Medal with humility, knowing full well who the gardeners behind the award really are. I have seen them in their gardens—and that includes mine—in our public parks, on our school grounds and at community exhibitions. You write Congress about wilderness, the Oregon Dunes, Padre Island, the Indiana Dunes, Fire Island, Point Reyes—on every other important conservation measure. We listen to you. I will be custodian of a medal, but the credit belongs to you.

RETIREMENT OF SENATOR WALTERS, OF TENNESSEE, FROM THE SENATE

Mr. GORE. Mr. President, my distinguished junior colleague, Senator HERBERT S. WALTERS, recently announced that he would not be a candidate for election to the Senate. Upon this announcement, a number of highly complimentary editorials were published in newspapers throughtout the State of Tennessee. This commendation is well deserved. All Senators know that Senator WALTERS is a gentleman of the first order and an able, dedicated public servant.

Senator WALTERS has brought to the Senate a rich experience, a deep understanding, and a devotion to public trust. It has been a pleasure to serve with him. We were friends before he came to the Senate; he and I are closer friends now. Our association has been most pleasant. He has always been courteous, not only to his colleagues from Tennessee but to all his colleagues. His service in the Senate has been marked with conscientious decision, dedication to principle, industry and fidelity to trust.

I ask unanimous consent to have printed at this point in the RECORD editorials commending the record and the life of Hon. HERBERT S. WALTERS.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Johnson City (Tenn.) Press-Chronicle, Apr. 28, 1964]

WELL DONE, SENATOR!

In announcing that he would not be a candidate in this summer's election, Senator HERBERT S. WALTERS spoke with the candor and humility for which Tennesseans so greatly admire him.

He said that when he accepted the interim appointment from Gov. Frank Clement he did so "with the firm self-conviction that I would honor my obligations to the State and to the Nation and that I would discharge the duties of the office to the very best of my ability. I have done just that. I intend to continue doing just that."

Personal and political friends who have known Senator WALTERS through the years recognize in those simple, forthright words the sturdy character and uncomplicated philosophy of the man who uttered them. By honoring his obligations and discharging his duties to the very best of his ability, he has long stood in the forefront of Tennessee politics. That he will continue to do so we do not doubt.

During the comparatively brief time he has served in the Senate, he has earned bi-partisan respect and praise for his workmanlike handling of the job. Many of his colleagues have marveled at his poise and perception—his ability to take hold with a minimum of fuss.

The Press-Chronicle would have supported Senator WALTERS if he had chosen to run. We know we are joined by thousands of his fellow Tennesseans in extending him a hearty well done and wishing him all the best during the remainder of his Washington service.

[From the Nashville Banner, Apr. 28, 1964]

THE HERBERT WALTERS STORY—FROM LOG CABIN TO U.S. SENATE

Senator HERBERT S. WALTERS is one of the leading business and political leaders in Tennessee.

He has been a top leader in the Democratic Party for more than 40 years and he is often referred to as "Mr. Democrat of Tennessee." He is currently serving as Tennessee's national Democratic committeeman.

WALTERS was born in a log cabin near Leadvale on Nov. 17, 1891. He is the son of the late Dr. John Mile and Lula Rhonda Franklin Walters. His father was a Baptist minister for more than 60 years.

When he was about 16 years old, his parents sent him first to Baker-Himmel School in Knoxville and then to Castle Heights Military Academy in Lebanon.

However, the meager salary his father was receiving as a preacher forced young WALTERS to leave school and go to work in order to help his parents.

WORKS AS AXMAN

He joined his older brother, John, in northern Michigan as an axman on a survey crew for the Chicago, Milwaukee and St. Paul Railroad. On his salary of $50 a month, he was able to send his parents $20 to $30 to help pay for his younger sister's education.

WALTERS later worked with other railroad crews in Chicago, Memphis, Fulton, Ky., and Greenville, Miss.

In 1915, WALTERS entered the University of Tennessee to study agriculture and engineering. However, 6 months later, he again was forced to drop out of school and return to the farm to help his ailing parents.

FORM COMPANY

After several years of working on the farm and trading livestock, he joined with his brother-in-law and another east Tennessean in the formation of Harrison, Walters, and Prater Road Construction Co. The firm is now known as Walters and Prater.

In ensuing years, this construction firm became one of the most successful in Tennessee.

With this humble beginning, WALTERS has become one of the most successful businessmen in the State.

He currently serves as chairman of the board of Walters and Prater, Inc., chairman of the board of the Hamilton National Bank of Morristown, and is a member of the board of directors of the Hamilton National Bank of Knoxville, First National Bank of Rogersville, Hamilton National Association of Chattanooga, National Bank of Newport, and the American Educational Life Insurance Co.

In 1933, he was elected to the Tennessee House of Representatives. A short time later, the late Gov. Hill McAllister appointed him State highway commissioner, a post he held only a few months.

WALTERS has served as a member of the State Democratic Executive Committee for more than 20 years and during that time has been State chairman and national committeeman.

UNIVERSITY OF TENNESSEE TRUSTEE

He has served as a member of the University of Tennessee board of trustees, chairman of the Great Smoky Mountains Park Commission, chairman of the State Licensing Board for General Contractors, chairman of the Morristown Water and Light Commission, and the board of trustees of King College in Bristol.

He was married on July 28, 1928, to Sarah Ruckman Lockbridge of Staunton, Va.

WALTERS is a member of the First Presbyterian Church of Morristown, Kiwanis International, Elks Lodge, Independent Order of Odd Fellows, Modern Woodmen of the World, Morristown Country Club and the Morristown Chamber of Commerce.

He is also active in the Royal Arch Masons and once held the office of senior warden.

Twice during his long political career, WALTERS was offered the Democratic nomination for governor, once in 1936 and again in 1943. He declined both times. In 1944, he served as State campaign manager for Gov. Jim McCord.

[From the Morristown Gazette-Mail, Apr. 28, 1964]

SENATOR WALTERS' DECISION

In expressing regret that HERBERT S. WALTERS has decided to vacate his seat in the U.S. Senate without seeking reelection we speak for a majority of Morristownians and, we believe, of Tennesseans.

The final decision, of course, had to be made by the man concerned after weighing all the factors involved.

We accept, with reluctance but with understanding, his conviction that he could not adequately discharge his duties in this current crucial Senate session and simultaneously wage an active campaign in the Democratic primary.

Had he been less concerned with the obligation to represent his constituents, Senator WALTERS was virtually assured another 2 years in Washington. We could not envision him running behind either of the two announced candidates.

It is widely expected that Gov. Frank Clement will now announce for the remaining 2 years of the late Estes Kefauver's term. If he does, we do not believe that this was prearranged with Senator WALTERS.

At his press conference in Knoxville yesterday Senator WALTERS explicitly disclaimed any deal, and we believe him.

We are sorry that "HUB" came to the decision he did, but we feel it was his alone.

In the 8 months he has held the Senate seat, Senator WALTERS has conducted himself quietly, with dignity, and with conviction. He has voted as his conscience dictated. He has earned the respect of his colleagues.

In the 8 months remaining to him on the floor of the Senate he will continue to be valuable to the people of Tennessee and to all Americans.

We are only sorry that Tennesseans cannot look forward to 2 more years of "HUB" WALTERS in our Nation's Capital.

[From the Greeneville Sun, Apr. 28, 1964]

SENATOR WALTERS HAS DONE A GOOD JOB

Senator HERBERT S. WALTERS' announcement yesterday that he would not seek the Democratic nomination for U.S. Senator to fill out the unexpired term of the late Senator Estes Kefauver has drawn expressions of regret from across the State.

Senator WALTERS, in the brief period that he has served as U.S. Senator, has demonstrated his keen ability and dedication as a public servant.

The U.S. Senate is presently debating one of the most important bills ever to come before that body. Senator WALTERS has dedicated himself to modification of this bill to keep it in conformity with basic principles of freedom in this country.

In order to run for the U.S. Senate seat, it would have been necessary for him to practically abandon his duties in Washington in order to campaign in Tennessee. This he chose not to do.

We doubt if any Senator in that august body has a better attendance record or has given any more of his time in the period

that he has served to hard work in representing his constituents than Senator WALTERS.

Greene Countians have reason to express their thanks to him for his hard work in getting a local bill passed to purchase the old Andrew Johnson homesite and make it into a shrine in connection with the tailor shop of our famed President Andrew Johnson.

Senator WALTERS' close association with President Lyndon B. Johnson and his knowledge of legislative affairs and legislative leaders has enabled him to render exceptional service to the people of this State. It is regrettable that he has chosen not to run again, but his reasons for making this decision are another indication of the true merit of the man.

These are perilous times. Legislation of far-reaching importance is coming back before the U.S. Senate in the weeks and months ahead and we are confident that Senator WALTERS will do his full duty in representing Tennessee and the feelings of Tennesseans in attempting to guide legislation through Congress that will be good for all the country.

East Tennesseans who have known Senator WALTERS throughout the years and have seen him rise through adversity to a position of leadership and importance, not only in this State, but in this Nation, can best understand the feelings of this dedicated man and best appreciate his personal sacrifices in order to do his best for his State and country.

[From the Nashville Banner, Apr. 28, 1964]

WALTERS STATES IT—SENATE DUTIES FORBID TIME OUT FOR RACE

For reasons clearly stated, Senator HERBERT S. WALTERS has decided against seeking reelection; and constituents applaud the sense of duty—both to his State and his Nation—on which that decision turns:

He does not choose to absent himself from Washington for a time-consuming campaign while the Senate is debating, and ultimately disposing of, a civil rights measure whose obnoxious features demand the full weight of corrective attention.

The showdown on that bludgeoning force bill is ahead, and Tennessee knows where Senator WALTERS stands on it. He candidly defined that position weeks ago, with the declaration that he would vote against it in its present form; and nothing has happened, certainly, to alter that determination.

Indeed, the proposals of phony compromise—rectifying none of its glaring evils as written into the House-passed bill—make it even more imperative for Senators of constitutional conviction to stand their ground; and that is exactly what he proposes to do.

Senator WALTERS is not a man to treat lightly the trust assigned, or to regard as a triviality the duty of representation, any more than the decree of conscience, where injurious legislation is concerned.

He was the logical choice to bear that responsibility when Governor Clement appointed him to the office vacated by the death of Senator Estes Kefauver; and with that concept of the public interest first, he has with distinction measured to it. Hardly could the Governor have picked any other man—aware of his lifelong devotion to Tennessee, his experience rooted in its political, civic, economic life; and acquainted with him by long friendship and political association.

It is characteristic of the Senator that he does not choose to default on official duty as he clearly discerns it.

The business of a Tennessee representative is now in Washington, and will continue to be until reason prevails on the legislation in question. There will be votes to cast on this measure, point by point and issue by issue—and Senator WALTERS intends to be there to cast them, as he could not be if in the long months ahead he were back home campaigning.

The decision is to his credit, and grateful constituents applaud it. He accepted the office as a public trust and has fulfilled it by exactly that definition.

[From the Memphis Press-Scimitar, Apr. 28, 1964]

GOODBY, HUB—HELLO, FRANK

HERBERT S. WALTERS, junior U.S. Senator from Tennessee by appointment of Gov. Frank Clement, announced Monday what many Tennesseans had long expected: He will not be a candidate for nomination in the August 6 Democratic Primary for the remaining 2 years of the late Senator Estes Kefauver's term.

We wish "HUB" WALTERS well. The Morristown banker and contractor and longtime State Democratic leader served creditably. And, according to all reports, he truly loved the life of a U.S. Senator.

It is hardly a secret that Governor Clement aspires to the U.S. Senate also. His announcement as a candidate, when it comes, will be no surprise.

HOUSING FOR INDIANS

Mr. METCALF. Mr. President, we have been much occupied in recent weeks with other business and many of us have been unable to give proper attention to many, perhaps more routine, matters of appropriate concern. My colleague, the distinguished majority leader, has, with the senior Senator from Minnesota, borne the largest share of responsibility for steering on its troublous course through the Senate the civil rights bill which, we all acknowledge, may be the most important and far-reaching piece of legislation we will have considered this session of the 88th Congress.

Despite his heavy responsibilities in that area, the majority leader has maintained active leadership in a matter of intimate concern both to him and to me in our efforts to attend the affairs of the great State we represent. This involves the problem of securing adequate, decent, safe and healthful housing for our Indian population, numbering currently in the State of Montana some 21,181 persons.

President Johnson has included the Nation's 400,000 Indians among the 35 million Americans who live on the outskirts of our country's unprecedented affluence, persons without opportunity to compete for their share of our national productivity. These are persons becalmed or foundering in the mainstream of the American economy. Most live in substandard, deteriorating or dilapidated housing. Many need education, to be taught the skills in demand by American industry, commerce and business. Many are elderly. Others are physically handicapped. Many have lost hope. Most despair of taking part in the historic and traditional American dream of happiness and a tangible share of the fruits of freedom.

No single group displays the symptoms of the classic poverty-stricken American more than the American Indian.

In 1960, following his election to the Presidency, Mr. Kennedy determined to make a long overdue start toward improving their situation, called living conditions among the Indians a "national shame."

Accepting the challenge, the distinguished majority leader arranged a series of meetings here in Washington. Attending those meetings were representatives of the Bureau of Indian Affairs of the Department of the Interior, the Public Housing Administration, the Public Health Service and spokesmen for a number of organizations representing Indian tribes. I was privileged to take part.

Taking part almost from the very start in these exploratory discussions, Mr. President, were Indian Commissioner Philleo Nash and his staff, and Public Housing Commissioner Marie C. McGuire and her aids.

Instrumental in searching out the legal groundwork in this novel pathway toward better housing for American Indians was Joseph Burstein, Mrs. McGuire's general counsel, who has continually throughout the program been a source of skillful guidance for those of us with deep interest in the program to house Indians more adequately.

From those meetings came a program of low-rent public housing for Indians and a program of mutual-help housing which, ultimately, we hope, will permit Indians participating in the program to own their own homes—homes with modern plumbing, electricity, running water and, above all—in the words of the Federal Housing Act, "decent, safe, and sanitary shelter."

Some 285 Montana Indian families on 6 reservations have taken advantage of the mutual-help program of the Public Housing Administration and most right now are encouraged with the unique—for Indians—expectation of one day—for the first time in their lives—owning a decent home of their own.

But this mutual-help program—unique as it may be—is but a small part of the Public Housing Administration's program for American Indians. In cooperation with the Bureau of Indian Affairs, PHA currently is processing applications for nearly 4,000 new dwelling units on 61 Indian reservations in 19 States, 300 of which will be designed specifically for elderly Indian families.

For the first time, Mr. President, American Indians are seeing tangible evidence of their elevation to the status of full-fledged Americans because, for almost 27 years, the public housing program has served the needs of low-income Americans across the Nation but, until just recently, not a single Indian on a single Indian reservation had been able to take advantage of this program. And no American has been more representative of the Nation's low-income segment than the Indian.

But storm warnings already are on the horizon, Mr. President. Under PHA's limited authorization it will not be able to proceed with all of the 4,000 units applied for by Indian housing authorities seeking to improve the living conditions of their people. The authorization contained in the 1961 Federal Housing Act, under which these modern homes are being built for Indians for the first time, will be exhausted by June 30,

the end of the current fiscal year, and PHA Commissioner McGuire informs me it may even be exhausted by the end of this month.

Hearings already have been held on a new authorization in both Houses of Congress, Mr. President, and it is my earnest hope that the legislation will be summoned for an early vote in the Senate.

New legislation will permit—without costly lags—continuation of this program which already has started to bring new dignity, new hope, new respect to an important segment of America's poverty-stricken. Of approximately 3,000 dwellings on which the Public Housing Administration plans to continue assistance, more than 600 dwellings are in various stages of construction on 11 reservations in 7 States. These include 50 dwellings under the mutual-help program under construction at the San Carlos Indian Reservation in Arizona. Of the remaining 2,700 dwellings, 1,200 units are planned for 18 reservations in 9 States under the PHA conventional rental program and 1,500 dwellings are planned for 34 reservations in 12 States under mutual help.

The act under which this program will be permitted to continue calls for 240,000 new low-rent public housing units over the next 4 years. Thirty-five thousand annually would be in new construction; 15,000 annually would be purchased by local housing authorities and rehabilitated with Federal loans, and 10,000 annually would be leased outright by local housing authorities and rerented to low-income families.

In addition to about 90 percent of American Indian families, millions of other families in this country live in substandard, deteriorating, and dilapidated housing, and the low-rent public housing program is the only effort so far which appears to offer any hope at all of eliminating the slums and blight of America and the disease and poverty they breed.

Applications for about 38,000 new units of low-rent housing will have to be shelved pending approval by Congress of new housing legislation. New applications continue to arrive almost daily at the Public Housing Administration from communities—including Indian tribes—seeking loans and other assistance to help meet the urgent housing needs of their low-income families.

It is because of that need that I consider President Johnson's request for 240,000 low-rent housing units over the next 4 years as a reasonable one. I also see these proposed dwellings as important tools in the President's war on poverty.

I earnestly commend the upcoming housing bill to the attention of my colleagues, interested, as I know they are in the housing welfare of our great Nation.

JOHN BIRCH SOCIETY ON CIVIL RIGHTS

Mr. METCALF. Mr. President, the February 8, 1964, Interim Bulletin from the John Birch Society to all chapter leaders includes the text of the advertisement which it seeks to place in local newspapers.

The Bulletin suggests that "the name of the real sponsoring group can be pasted over the sample name at the bottom of the advertisement."

The ad suggests two sources of information on the civil rights bill—

The Coordinating Committee for Fundamental American Freedoms, and American Opinion—which, although the advertisement does not say so, is the John Birch Society's magazine.

Nowhere does the advertisement, which the John Birch Society seeks to plant, indicate that it came from the John Birch Society.

Readers are entitled to know the source of this advertisement, as well as the harmonious working relationship between the Coordinating Committee for Fundamental American Freedoms and the John Birch Society, both of which are performing a national disservice by their campaigns of misinformation concerning the civil rights bill.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD the February 8, 1964, John Birch Society Interim Bulletin.

There being no objection, the February 8, 1964, John Birch Society Interim Bulletin was ordered to be printed in the RECORD, as follows:

THE JOHN BIRCH SOCIETY, BELMONT, MASS., INTERIM BULLETIN, FEBRUARY 8, 1964

To all chapter leaders: Please consider this interim bulletin as simply an extension of the one mailed to all members earlier this week. It should be identified for reporting as temporary project C of that regular February bulletin. But there were sound reasons why we are mailing it as a separate item. And we shall count on our chapter leaders to get the following message to all of our members in their respective chapters as promptly as they can.

C. THE CIVIL RIGHTS ACT OF 1963

(a) On the back cover of this bulletin is proposed copy for a 3-column advertisement (6 by 9 inches) in your local newspapers. There are so many and such continuous drains on the pocketbooks of our members that we are not urging this further expenditure on anybody. But we are convinced by the number and nature of the long distance telephone calls we have received on the subject during the past 2 weeks that a great many of our members actually wish to sponsor such advertisements. So we have worked out one which, in our best judgment, and as to both size and message, would have the greatest effectiveness for the money to be spent and for the purpose to be served.

These advertisements very definitely should be placed, as well as paid for, by local citizens or groups or committees, with a local street address or post office box number given. Which means that we cannot furnish you mats even if it were otherwise practicable to do so. But the name of the real sponsoring group can be pasted over the sample name at the bottom of the advertisement, and the whole thing reproduced or plated from our copy, if desired. Or, if it does have to be set in type by the newspaper running the ad, please try to see that our suggested layout is followed, and that scrupulous proofreading eliminates all typesetting changes or errors.

(b) The Senators who are still fighting desperately to prevent passage of this legislation need all of the support they can get, and they need it now. So, regardless of whether you are a party to placing the advertisement, do your own direct part by sending telegrams or letters immediately to as many Members of the Senate as you can. We are printing the full list of Senators on page 3 of this bulletin, with some indication as to where—according to the best guess of our research department—each one stands at this date, in order to help all we can toward making your influence effective.

(c) We do not know—and neither does anybody else—whether this fight in the Senate will go on for a week or a month. This will certainly depend to some extent on how much help you can give the opponents of this legislation, how soon. If the battle does continue long enough, and you wish to try to enlist allies for the opposition through the distribution of this bulletin, additional copies are available by airmail at 50 for $1. Also, for the time being we are putting an excellent 8-page analysis of "The Civil Rights Act of 1963" in each one of our "Civil Rights" packets—which sell for $1, postage paid.

In a pamphlet prepared on this legislation by Loyd Wright and John C. Satterfield (both past presidents of the American Bar Association), it is called a "Blueprint for Total Federal Regimentation." The authors state: "The Civil Rights Act of 1963 is skillfully drawn with the patent, deliberate intent to destroy all effective constitutional limitations upon the extension of Federal governmental power over individuals and the States."

And at another point they say: "Never in the history of nations governed by elected officials has the head of any State demanded the naked untrammeled power embodied in this act, except when such State was upon the verge of becoming a dictatorship. If it is enacted, the States will be little more than local governmental agencies, existing as appendages of the Central Government and largely subject to its control. The legislation assumes a totally powerful National Government with unending authority to intervene in all private affairs among men, and to control and adjust property relationships in accordance with the judgment of Government personnel."

What even these distinguished authors are not yet realistic enough to add is this plain fact: "The Civil Rights Act of 1963," if enacted, will be the first major legal step in establishing a brutal totalitarian police state over the American people.

As to the transparently phony excuse for this Hitler-Stalin type of regimentation—namely, that it is in order to give the proper treatment and opportunities to our Negro fellow citizens—the worst sufferers of all in the long run will be the American Negroes, for whom the sinister schemers behind these measures really care no more than they would for so many ants. Let's hope that in America enough of us all, both white and black, can learn enough, soon enough, about what these same nefarious forces have accomplished in other countries to prevent its repetition here.

Sincerely,

ROBERT WELCH.

MEMBERS OF THE U.S. SENATE, OFFICIAL ADDRESS, SENATE OFFICE BUILDING, WASHINGTON, D.C.

Code: (1) Probably against the act; (2) uncertain or unknown; (3) probably for the act.

Alabama: LISTER HILL, (2); JOHN J. SPARKMAN, (2).

Alaska: EDWARD L. BARTLETT, (3); ERNEST GRUENING, (3).

Arizona: CARL HAYDEN, (3); BARRY M. GOLDWATER, (1).

Arkansas: JOHN L. MCCLELLAN (1); J. WILLIAM FULBRIGHT, (3).

California: THOMAS H. KUCHEL, (3); CLAIR ENGLE, (3).

Colorado: GORDON ALLOTT, (2); PETER H. DOMINICK, (2).

Connecticut: ABRAHAM A. RIBICOFF, (3); THOMAS J. DODD, (3).
Delaware: JOHN J. WILLIAMS, (1); J. CALEB BOGGS, (3).
Florida: SPESSARD L. HOLLAND, (2); GEORGE A. SMATHERS, (2).
Georgia: RICHARD B. RUSSELL, (1); HERMAN E. TALMADGE, (1).
Hawaii: HIRAM L. FONG, (3); DANIEL K. INOUYE, (3).
Idaho: LEONARD B. JORDAN, (1); FRANK F. CHURCH, (3).
Illinois: PAUL H. DOUGLAS, (3); EVERETT M. DIRKSEN, (3).
Indiana: BIRCH E. BAYH, JR., (3); VANCE HARTKE, (3).
Iowa: B. B. HICKENLOOPER, (1); JACK R. MILLER, (1).
Kansas: FRANK CARLSON, (2); JAMES B. PEARSON, (2).
Kentucky: JOHN S. COOPER, (3); THRUSTON B. MORTON, (2).
Louisiana: ALLEN J. ELLENDER, (1); RUSSELL B. LONG, (2).
Maine: MARGARET CHASE SMITH, (3); EDMUND S. MUSKIE, (3).
Maryland: J. GLENN BEALL, (2); DANIEL B. BREWSTER, (3).
Massachusetts: LEVERETT SALTONSTALL, (3); EDWARD M. KENNEDY, (3).
Michigan: PATRICK MCNAMARA, (3); PHILIP A. HART, (3).
Minnesota: HUBERT H. HUMPHREY, (3); EUGENE J. MCCARTHY, (3).
Mississippi: JAMES O. EASTLAND, (1); JOHN C. STENNIS, (1).
Missouri: W. STUART SYMINGTON, (3); EDWARD V. LONG, (3).
Montana: MICHAEL J. MANSFIELD, (3); LEE METCALF, (3).
Nebraska: ROMAN L. HRUSKA, (1); CARL T. CURTIS, (1).
Nevada: ALAN BIBLE, (3); HOWARD W. CANNON, (3).
New Hampshire: NORRIS COTTON, (2); THOS. J. MCINTYRE, (3).
New Jersey: CLIFFORD P. CASE, (3); HARRISON A. WILLIAMS, JR., (3).
New Mexico: CLINTON P. ANDERSON, (3); EDWIN L. MECHEM, (1).
New York: JACOB K. JAVITS, (3); KENNETH B. KEATING, (3).
North Carolina: SAMUEL J. ERVIN, JR., (1); B. EVERETT JORDAN, (1).
North Dakota: MILTON R. YOUNG, (1); QUENTIN N. BURDICK, (3).
Ohio: FRANK J. LAUSCHE, (1); STEPHEN M. YOUNG, (3).
Oklahoma: A. S. MIKE MONRONEY, (3); J. HOWARD EDMONDSON, (3).
Oregon: WAYNE L. MORSE, (3); MAURINE B. NEUBERGER, (3).
Pennsylvania: JOSEPH S. CLARK, (3); HUGH D. SCOTT, (3).
Rhode Island: JOHN O. PASTORE, (3); CLAIBORNE PELL, (3).
South Carolina: OLIN D. JOHNSTON, (1); J. STROM THURMOND, (1).
South Dakota: KARL E. MUNDT, (1); GEORGE S. MCGOVERN, (3).
Tennessee: ALBERT GORE, (3); HERBERT S. WALTERS, (2).
Texas: RALPH W. YARBOROUGH, (3); JOHN G. TOWER, (1).
Utah: WALLACE F. BENNETT, (1); FRANK E. MOSS, (3).
Vermont: GEORGE D. AIKEN, (3); WINSTON L. PROUTY, (3).
Virginia: HARRY FLOOD BYRD, (1); A. WILLIS ROBERTSON, (1).
Washington: WARREN G. MAGNUSON, (3); HENRY M. JACKSON, (3).
West Virginia: JENNINGS RANDOLPH, (3); ROBERT C. BYRD, (2).
Wisconsin: GAYLORD A. NELSON, (3); WILLIAM PROXMIRE, (3).
Wyoming: GALE W. MCGEE, (3); MILWARD L. SIMPSON, (1).

EVERY VOTE FOR THE CIVIL RIGHTS ACT OF 1963 IS A NAIL FOR THE COFFIN OF THE AMERICAN REPUBLIC

A recent president of the American Bar Association has solemnly declared: "The proposed extension of Federal executive and administrative control over business, industry, individual citizens, and the States by the package of legislation called the Civil Rights Act of 1963 exceeds the sum total of all such extensions by all decisions of the Supreme Court and all acts of Congress from 1787 to June 19, 1963. When future generations look back through the eyes of history at this legislation they will recognize 10 percent of civil rights and 90 percent extension of raw Federal power."

The results of this legislation would be enormous suffering by, and oppression of, both our white citizens and our Negro citizens alike; and such turmoil, rioting, bitterness, and chaos as benefits only the Communists—or a Federal Government drunk with its drive for power. For a free copy of a brief analysis of this legislation by highest legal authority, write to Coordinating Committee for Fundamental American Freedoms, Suite 520, 301 First Street NE., Washington, D.C. For a full understanding of the background, forces, and purposes behind this legislation, send $1 for the Civil Rights Packet to American Opinion, Belmont, Mass.

In the meantime, the last bulwark against this act is the hard-pressed opposition within the U.S. Senate. If you oppose this Civil Rights Act of 1963, make your protest known, emphatically and immediately, by telegrams and letters, not only to your own Senators but to as many other Senators as you can. The address is every case is simply Senate Office Building, Washington, D.C.

This advertisement has been paid for as a public service by the Blanktown Committee To Preserve the American Republic, 1122 Main Street, Blanktown, Any State.

COLLEGE STUDENT ASSISTANCE—COLLEGE PRESIDENTS SUPPORT S. 2490

Mr. HARTKE. Mr. President, I have previously called attention to the remarkable unanimity of support for S. 2490, the Hartke college student assistance bill which has received hearings by the Education Subcommittee. All sorts of groups with a professional interest in higher education, some by formal action and some informally, have given solid support either by testimony or by letter.

Among them are a large number of college presidents, many of whose letters will be included at their own request in the volume of committee hearing reports now being prepared. Other letters have reached me from college presidents too late for inclusion in that record.

One of these is from Joe Morgan, president of Austin Peay State College in Clarksville, Tenn. In addressing me he writes:

The purpose of this letter is to make known to you my strong endorsement of the Hartke college student assistance bill, S. 2490. It is my opinion that this bill provides the most comprehensive and significant attack on the problem of college financial aid that has thus far been presented.

President Morgan, after two sentences of comment in which he opposes any direct payments by the Federal Government to colleges, continues:

A large part of the service area of Austin Peay State College is comprised of low family income groups. We simply have not been able to reach many deserving qualified students with any of the financial aid programs that we now have because of inadequate funds in such programs. I particularly approve that part of the bill which provides for a significant extension in total funds to be made available under the national defense student loan program. Also, the work study program would assist in meeting a great need in our area.

Another such letter, which arrived too late for inclusion in the printed record of the hearings, comes from the President of San Jose State College in San Jose, Calif., Dr. John T. Wahlquist. He notes that his school, with 17,000 students enrolled, has only $25,000 in scholarship funds available, and that lack of funds necessitated the refusal of NDEA loans to 500 student applicants. It is this kind of great need to which letter after letter from all across the country testifies. I hope that my own awareness of this need, a need which my bill attempts to meet through scholarships, loan guarantees, expanded NDEA loans, and a work-study program—that awareness of this need may grow in the realization of other Senators, and that they will join in my own efforts to secure passage of this much-needed aid to college education.

Mr. President, I ask unanimous consent that the full text of the letter from President Wahlquist may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAN JOSE STATE COLLEGE,
OFFICE OF THE PRESIDENT,
San Jose, Calif., April 13, 1964.

The Honorable VANCE HARTKE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HARTKE: I have just finished reading the Hartke college student assistance bill, S. 2490. With the increasing need of financial assistance for our college students today, this bill would help satisfy many of the unmet needs. This past year our college had to deny assistance through the national defense student loan program, to over 500, due to depletion of funds. In addition, due to the rising cost of college education, even the present $1,000 maximum was not sufficient to enable some students to meet their total cost. We presently have over 17,000 students enrolled at San Jose State College and, this past year, had only $25,000 in scholarship funds to award to the total group. It is obvious that additional scholarship funds are desperately needed.

I am most pleased to endorse the Hartke college student assistance bill and ask that our endorsement be made a part of the hearing record.

Sincerely,

JOHN T. WAHLQUIST.

THIRTIETH WEDDING ANNIVERSARY OF SENATOR DODD

Mr. HARTKE. Mr. President, last night it was my privilege to attend the 30th wedding anniversary party of the distinguished senior Senator from Connecticut [Mr. DODD]. It is appropriate for us to note that TOM and Grace DODD were married 30 years ago, on May 19, 1934, in St. Paul, Minn. At that time Senator DODD was an FBI agent and was

at work on a kidnaping case in St. Paul. Grace is the former Grace Murphy, of Westerly, R.I.

It is a tribute to both of them that TOM is a Member of the Senate. I suppose that the highest tribute that could be paid to them is that they are the proud parents of six children. To me, this is by far the greatest compliment that could be paid to them, for I know that their parenthood brings them great joy.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a biography of Senator DODD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

U.S. SENATOR THOMAS J. DODD

EARLY CAREER

In 1933, upon graduating from law school, Mr. DODD became a special agent of the Federal Bureau of Investigation. He participated in FBI work on many criminal cases of national interest including the Dillinger case and the Bremer kidnaping case.

In 1935, he became the director of the national youth administration program in Connecticut. In this capacity he established programs to help youths from depression-hit families by providing educational and employment opportunities. The aim of these programs was to substitute education and employment for the idleness and hopelessness which breeds juvenile delinquency and broken lives. The Dodd program in Connecticut became a model for programs in other States.

ASSISTANT TO U.S. ATTORNEY GENERAL

During the years from 1938 to 1945, Mr. DODD served in the Department of Justice as an assistant to five successive Attorneys General. He helped to establish and was Assistant Chief of the Department's first Civil Rights Section. This was a pioneer movement by the Justice Department. It was the purpose of this Civil Rights Section to explore and broaden possible avenues of legal action by the Federal Government in the protection of constitutional rights. Among other cases, Mr. DODD took part in the precedent-setting prosecutions involving the Ku Klux Klan in South Carolina, violation of labor's right to organize in Waycross, Ga., and violations of due process of law by local authorities in Jonesboro, Ark.

During World War II, Mr. DODD was assigned to espionage and sabotage problems. His work on the Molzahn spy case made an important contribution to the breaking up of the Nazi fifth column movement and his successful prosecution of the famous Anaconda case set a milestone in the Government's efforts to move against wartime industrial sabotage.

NUREMBERG WAR CRIMES TRIALS

At the request of Supreme Court Justice Robert H. Jackson, DODD served as executive trial counsel for the United States at the Nuremberg trials of Nazi war criminals in 1945–1946. He worked with representatives of other allied governments in planning and directing courtroom strategy of history's greatest international trial. He viewed the Nuremberg trial not only as an opportunity to bring to justice the Nazi war criminals but as a chance to perform, for the lasting enlightenment of future generations, an authentic autopsy of one of the most evil and incredible eras of history, and to make a contribution toward laying the groundwork for the growth of international law. For his work at Nuremberg, DODD was honored by a Presidential Citation, the U.S. Medal of Freedom, and the Czechoslovak Order of the White Lion. He was offered a decoration by the Communist Government of Poland, but he rejected this award on the ground that he could see no distinction between the tyranny of the Polish Communist Government and that of the Nazi regime.

ELECTION TO CONGRESS

Mr. DODD was elected to represent the First Congressional District of Connecticut in the Congress of the United States in November 1952, and reelected in 1954. He served on the Foreign Affairs Committee and on a Select Committee To Investigate Communist Aggression.

On November 4, 1958, DODD was elected to the U.S. Senate. He presently serves on the Foreign Relations Committee, the Judiciary Committee, and the Committee on Aeronautical and Space Sciences. He is chairman of the Judiciary Subcommittee on Juvenile Delinquency and Acting Chairman of the Internal Security Subcommittee.

CAREER IN CONGRESS

Assessing the contribution to government of a legislator is one of the most difficult forms of analysis. It is complex because it involves an evaluation of many things; votes he has cast on important issues; legislation he has successfully offered; investigative work he has done on committees; behind-the-scenes influences he has exerted on executive decisions and on the shaping of opinion in the Congress; and the impact of his work upon the education and molding of public opinion.

Senator DODD has been very active on domestic issues. He has sponsored important legislation on such thorny and diverse topics as labor reform, wiretapping, election reforms, juvenile delinquency, immigration liberalization and the sale and use of habit-forming drugs. But he has stated many times that the overriding issue of our generation is the conflict between Christian civilization and world communism. This is his major field of action and it is in this context that his contribution must be judged.

Although the world struggle has many facets, Senator DODD regards it essentially as a moral conflict between right and wrong. The foundation of his approach toward this issue is the philosophic training he first received at Providence College, augmented by the studies and experiences of a lifetime.

As a Member of the House of Representatives and the Senate, DODD has consistently supported a more vigorous defense effort, a broader and more discriminating program of foreign aid, and a firmer resistance, based on moral grounds, to the various stratagems the Communist movement has successfully used against us over the years.

LEGISLATION

Legislation is essentially a joint corporate product of the Congress and though a Senator may contribute substantially to many pieces of legislation, there are very few bills that can be clearly attributed to a particular Senator. Representative pieces of legislation in which Senator DODD has played a principal part are:

In 1956, Congressman DODD proposed legislation, which was adopted, which doubled U.S. assistance to the people of Guatemala. This nation had just overthrown a Communist regime which had left the country destitute and bankrupt. Dodd's amendment was designed to demonstrate what we were prepared to do for any country that was able to rid itself of a Communist regime. It was part of a comprehensive effort by DODD to give proper attention to the problems of Latin America, an area which we have so dangerously neglected.

In 1959, Senator DODD successfully sponsored legislation which separated military aid from economic aid in our mutual security program. This was a long-term objective of foreign policy planners aimed at making both forms of aid more effective by divorcing the humanitarian aspects of our foreign assistance from the military aspects.

In 1960, Senator DODD cosponsored and successfully piloted the freedom academy bill through the Judiciary Committee and on to final passage by the Senate. This legislation establishes an academy for the training of Government and nongovernment personnel in the science of counteracting the various means of Communist aggression and developing more effective tactics and policies for the free world. It would provide a body of informed and dedicated protagonists of freedom who are ready to offer successful alternatives to communism in every phase of the cold war. Though this bill passed the Senate, action was not taken in the House of Representatives. It is hoped that both Houses will act favorably upon it during this Congress.

In 1961, Senator DODD introduced and in his capacity as chairman of the Senate Juvenile Delinquency Subcommittee conducted hearings on a proposed Federal program to combat juvenile delinquency. This legislation provided for research into juvenile programs, the carrying on of pilot programs throughout the Nation to discover better methods of dealing with juvenile delinquents and the training of an army of skilled probation officers and experts in the treatment of youthful offenders. This bill, in the form in which it passed the Congress was signed by the President, was the work of many men, but Senator DODD played a principal role.

In May 1963, Senator DODD, joined by 34 other Senators, introduced a resolution advocating a treaty banning nuclear testing in the atmosphere and under the sea. Senator DODD's objective was to stop the tests that were the principal source of nuclear fallout, and since atmospheric and underwater tests can be detected he felt that the risks to our national security would be minimal.

The test ban treaty subsequently negotiated and ratified contained prohibitions against atmospheric and underwater tests, and added outer space. But this important first step toward a comprehensive disarmament agreement was contained essentially in Senator DODD's original resolution.

Early in 1963, Senator DODD joined with a distinguished Republican colleague, Senator JOHN SHERMAN COOPER, in introducing three important civil rights bills.

These proposals have figured prominently in the discussions on the civil rights program recommended later in the year by the Kennedy administration.

The first bill would protect the right of all qualified Americans to vote, by requiring the nondiscriminatory use of literacy tests. The second would speed up the process of school desegregation, wherever segregation exists, by giving the Attorney General authority to intervene upon request and initiate suits. The third was directed toward eliminating discrimination in restaurants, stores, places of entertainment and other places of business that are open to the public for general use.

Each of these three areas of discrimination is dealt with, though not in exactly the same manner, the civil rights bill approved by the House and now being discussed in the Senate.

In August 1963, after over 2 years of study and hearings, Senator DODD introduced a bill to make it more difficult for juveniles, criminals and narcotic addicts to purchase firearms by mail order.

The mail order gun business has increased tremendously during recent years, and public opinion has been focused on this problem by the tragic assassination of President Kennedy with a rifle purchased by mail order. Since the assassination in November, a number of hearings have been held in the Senate on Senator DODD's bill and the prospects for approval of this legislation seem better now than at any previous time.

INVESTIGATIVE WORK

Senator DODD has been equally active in the field of committee investigative work. As acting chairman of the Internal Security Subcommittee of the Senate, DODD has attempted to demonstrate that subversive activity can be investigated and exposed in a manner that is both effective and responsible, and which gives due regard to both the security of the United States and the civil liberties of individuals.

Senator DODD's investigation into the Fair Play for Cuba Committee, which was probably the principal Communist front in the United States until recently, resulted in disclosures that top officials of the committee were Communists and that its acivities were being financed by the Castro Government in Cuba. The Fair Play for Cuba Committee has had great success in deluding thousands of college students on campuses across the Nation and the results of DODD's continuing investigation into this organization will help block further growth of this front group and spare many thousands of American students from an affiliation which they would deeply regret in later years.

DODD's behind-the-scenes investigation into a proposed shipment of 45 precision ball bearing machine tools to the Soviet Union caused the cancellation of that shipment when DODD was able to demonstrate to the President and the Commerce Department that this unique machinery would be of inestimable value to the Soviet Union in the furtherance of its missile and space programs.

Senator DODD has directed an intensive investigation of crime and violence on television programs and its relation to juvenile deliquency. His investigation revealed that crime-and-violence shows on television increased threefold during the last 5 years and that the intensity of the violence had increased dramatically. He brought to light scientific evidence and testimony that violence on television is extremely harmful to the developing young mind. In a recent television trade magazine article, it was stated that the most telling evidence used by the Federal Communications Commission in 2½ years of hearings held by that group were documents supplied them by the Juvenile Delinquency Subcommittee. One of the most immediate effects of the subcommittee hearings was a reevaluation of shows being added or actually dropped from the schedule because of excessive violence. In order to insure a continued cleanup of the television industry, DODD is presently preparing legislation that would help the FCC insure that the networks adhere to their own standards of good programming.

VOCATIONAL TRAINING, ONE OF ALASKA'S NEEDS

Mr. GRUENING. Mr. President, the May issue of the American Vocational Journal carries an interesting article entitled "Alaska's Vocational Training Challenge," written by Lowell A. Burkett, assistant executive secretary of the American Vocational Association. The article points to the need for increased vocational education and training in the 49th State. Being still a frontier—"the last frontier," as Alaskans affectionately call it, the need to be able to do it yourself is more pressing there than in any of the older, longer established States. In Alaska, inevitably, more people are on their own than in the further developed, more urbanized areas of the Nation. For example, our homesteaders have to be able to build their own cabins in the wilderness, and they need the skills required in the building trades. As a result of the disaster caused by the earthquake, more than ever these skills are needed to rebuild Alaska.

I have long believed in and have long urged the importance of more vocational education for Alaska. Mr. Burkett quotes pertinently from the able U.S. Commissioner of Education, Francis Keppel, on this subject, as well as from Alaska's Governor William Egan and the State's two U.S. Senators.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA'S VOCATIONAL TRAINING CHALLENGE

As Alaska begins her mammoth recovery program following the recent earthquakes and seeks to stabilize an economy crippled by damage estimated at half a billion dollars, she presents a challenge to her vocational educators which they must accept in order for the State to recover rapidly and utilize her tremendous potential.

With major industries destroyed or severely damaged and thousands jobless, the need for sound vocational-technical programs acquires an urgency never felt before in any of the other 49 States.

Senator ERNEST GRUENING said of his State's disaster, "(it) has suffered a catastrophe which, in my reasoned judgment, surpasses in magnitude that suffered by any State of the Union in our Nation's entire history. * * * There will be a considerable period of unemployment.

The vocational educator must assume the responsibility of preventing prolonged unemployment and plan now for the implementation of long-term programs which will be ready to be put into operation as rapidly as the immediate recovery program will allow.

The resources upon which both the State and the vocational educator can draw are unlimited, although they must work with the attendant problems of a natural disaster along with situations peculiar to a developing State. In the tradition of a national frontier, Alaska has been plagued by high transportation costs, insufficient venture capital, inadequate public facilities, and long distances to established markets.

Industry is based on the natural resources but prosperity will depend on sufficient production to permit some export in addition to satisfying domestic needs. Effecting this proposal requires a supply of trained personnel. If these workers could be drawn from within the area and employers were not dependent upon out-of-State labor, the resultant lower manpower cost could lead to an overall price reduction and a population less transient in nature.

It is the Alaskan vocational educator's obligation to provide the training within the State which will satisfy the demands of the Alaskan employer.

One of the world's largest fisheries lies off the Alaskan coast and fishing has been that State's economic mainstay for many years. In 1962, the industry's value was placed at more than $100 million—with the salmon pack alone estimated to be worth about $98 million. In addition, experts predict that research, new markets, and more processing facilities would some day make Alaskan bottom fishing the largest dollar producer, exceeding the value of the salmon.

Vocational education could and should play an important role in the redevelopment of an industry termed by Alaskan Senator E. L. BARTLETT as "very hard hit."

He stated, "only one cannery was left standing at Kodiak. * * * Practically all the fishing boats there were destroyed, as they were elsewhere. * * * Fishing is the No. 1 private industry in Alaska. We depend upon it heavily."

Training is required also for the related occupations of this No. 1 industry.

One of these—transportation—plays an important role in the State's employment pattern and survival. In 1957, Anchorage recorded the third greatest volume of air traffic of all cities in the United States. Aviation, along with the Alaska railroad and growing trucking activities, provided jobs for more than 4,000.

These workers are instrumental in marketing farm products and their number will be increased when Alaskan farms yield the envisioned 50 percent of the State's required food instead of the 10 percent now grown. Some experts believe Alaska could become a surplus producing State and the breadbasket of the Orient. The area is said to have 38 million acres of agricultural land but numerous problems are involved in attaining maximum production. Clearing the land is costly and time consuming.

Ocean currents along the Aleutian Chain temper the climate and make Kodiak and other isles suitable for livestock production but the problems of transportation and meatpacking hamper extensive development.

Much of Alaska's land is given over to the sizable forests and the amount of marketable timber is "enormous." The hardwood forests developed to full sustained yield can produce as much as Michigan, Minnesota, and Wisconsin combined. Ultimately, the new State hopes to gain an estimated 50 million acres of commercial forest lands producing about 200 billion board feet per year. This amount would equal the timber available in the national forests today.

Other natural resources are the region's minerals. Alaska has 32 of the 33 minerals rated strategic and critical by the Federal Government.

She is classified by many geologists as one of the world's major oil bearing regions. As exploration continues to uncover new gas and oil fields it is expected this industry will prove to be one of the greatest producers for the Alaskan economy.

Petroleum marketing is one of the four specialized areas of distribution which, USOE reports indicate, are growing in employment outlook and significance to the State's economy. The other three are transportation, wholesaling and hospitality (tourism).

Anchorage noted the sizable growth reflected in wholesale and retail trade as well as service industries over the past decade. Modern stores and up-to-date merchandising methods are expected to upgrade retailing considerably and probably lead to less mail order buying, more purchases in local stores and increased intra-Alaska business. In addition, trade with Japan and other friendly Far Eastern countries probably will increase.

This, of course, is only a fraction of the Alaskan story as related to the vast potential for vocational education. Other areas, such as communications and electronics, play a vital role in the developing economy and the State's advancement.

New job opportunities apparently will continue to appear or old ones will be reassessed, but both will need to be filled by trained personnel and this training should and can be conducted in the State.

Many of the established programs were housed in facilities demolished by the earthquake. The Anchorage programs were held in the high schools and community college. Damage to schools in that city alone was estimated at from $5 to $7 million. Reports are not available yet concerning all of the State's programs—programs which were considered by some as neither tapping the potential nor filling the area's employment needs.

In a September 1963 article for the Alaska Teacher, Commissioner of Education Francis Keppel stated:

"Much if not all of Alaska is designated for economic redevelopment because of heavy, chronic unemployment. Yet despite handicaps of climate and remoteness of location, your State encompasses human and natural resources which remain virtually untapped. * * * Proper and full development of the great Alaskan potential will require vision and dedication. Teachers and school administrators will, I hope, be among the leaders in devising and implementing future programs affecting all sectors of your economy.

"For instance, fishing has for years been Alaska's mainstay, yet no training courses are currently offered for this occupation. Your State is a strategic area in world communications, yet how much training is being offered to prepare people for work in related electrical and electronics occupations? How many programs are geared to manpower needs in oil production, logging, and pulpwood production?

"There is wide need for civil technologists, engineering aids, cement workers and the like for roadbuilding projects, but training opportunities are not provided in your public schools. Are you filling serious shortages in health occupations? Are you training workers for service, sales work, office work, and merchandising for the burgeoning tourist industry?"

In the same issue, Alaskan Gov. William Egan wrote:

"The State administration has taken advantage of the recent Federal emphasis on adult vocational education. During the 1962 fiscal year, courses to train unemployed Alaskans for office jobs for which qualified persons were in short supply were started in Ketchikan, Juneau, Fairbanks, and Anchorage, following determination by the Alaska Department of Labor that the needed trained people were not available. A total of 120 workers will have been graduated from the courses by September. In addition, courses have been completed or are in progress in Anchorage to train 45 workers as electricians and in electronics, and 30 workers as millwrights.

"A major vocational education project under the Manpower Development and Training Act has been undertaken at the University of Alaska. Forty persons are being trained in a 48-week course as electronics technicians to perform maintenance work on DEW line equipment and in other areas of electronics work in Alaska. When they complete the course, these Alaskans, chosen from all over the State, will replace technicians now recruited from outside.

"The recent adult vocational education achievements are an addition to the vocational education courses carried on in Alaska's high schools and in the community colleges. This fiscal year, about 1,100 students are expected to attend the community colleges and high school vocational training courses. Of the total $569,000 for this vocational program, school districts are expected to contribute $105,000, the State $176,000 and the Federal Government $288,000.

"Our high school education courses train teenagers in home economics, agriculture, trade and industry, and distributive occupations—those useful in trade and service industries. Adult vocational education courses are being offered at the community colleges in subjects ranging from aircraft and engine maintenance to welding, and a course to train practical nurses is also being offered in Anchorage."

Whatever the view of the past programs, it is clear that Alaska needs vocational educators and the vocational-technical training they can provide not only in the wake of this emergency but to develop the long-term economy of the State. It is the State's obligation to furnish the leadership which will provide a sound vocational education organizational structure in order that good programs will be available in all fields of vocational-technical education.

ALASKA'S SENATORS COMMENT ON VOCATIONAL EDUCATION

In Alaska we are fortunate to see the results of what can be accomplished when men with ability are trained. For example, Alaskan natives are now receiving instruction in electronics. This provides useful employment to Alaskans—employment we have been seeking for so long.

The first group of 10 Indians and Eskimo young men spent 18 months with the RCA Electronics Training School in New York City. Every one of our boys made the grade. They returned to Alaska to take jobs on the distant early warning line and the white Alice system, and their salaries begin at a minimum of $8,000 per year.

The late President Kennedy had occasion to congratulate this first group and to comment on their wonderful performance. More than 100 young Alaskans have been trained, and I see no reason why the training cannot be extended to young women as well.

Vocational training is desirable in all fields where skills are needed. I shall certainly continue to support proposed legislation which will develop our national vocational training program.—Senator ERNEST GRUENING.

The Alaska economy has received a staggering blow. Before the earthquake, unemployment was a major and continuing problem across the State; it is now even more severe, even more important. Jobs must be found and men must be trained to fill these jobs.

Alaska's natives and Indians present a particular problem and a particular challenge. Many of these citizens have made the jump from stone age culture to modern man in one generation. Natives and Indians are people of great talent and ability. They, too, need vocational training so that they may play a useful role in Alaska's reborn economy.

We all know the impressive work which has been done in rehabilitating the handicapped and in returning them as productive members of society. The job now facing us in Alaska is not dissimilar: Vocational rehabilitation on a large scale will be needed to return Alaska as a productive, participating member of the American economy.—Senator E. L. BARTLETT.

INTENSIVE AND SPECIALIZED EDUCATIONAL TRAINING FOR ARMY REJECTS

Mr. PELL. Mr. President, last week the Washington Post carried a story of a limited but significant achievement in dealing with the problem of inadequate education. It tells of 11 young men who had volunteered for the armed services, but were unable to pass the basic enlistment screening test.

Quite apart from the personal frustration and disappointment of these young men, who were anxious to serve their country in the armed services, was the larger question of what might be done to remedy educational defects and inadequacies as revealed by the screening tests. What was involved was not only the future of 11 young men, but also to deal with the problem of uncounted thousands of capable young people, poorly or insufficiently schooled, of whom they were typical, at a most critical chronological point in their lives. These 11 were potentially of the enormous social dynamite of our times which is accumulating, particularly in urban areas.

In a project administered by the National Committee for Children and Youth with the cooperation of the District of Columbia School System, the Labor Department, and the Defense Department, these 11 Army volunteer rejects were enlisted in an experimental course of 6 weeks intensive and specialized educational training. The results were most spectacular. On reexamination by the Army recruiting service, the rejectees scored much higher grades than they had on the initial test, and they were able to qualify for Army service.

The numbers are small; but the indication of what can be done by a dedicated and concerted remedial effort is significant. Other experiments which are being conducted in vocational and other training under this project of the National Committee will be watched with great interest.

Mrs. Rita Valeo, the project director, is to be especially congratulated on her part in this effort. Her hard work and her strong concern for the problems of young people have resulted in her exercising a leading role in this field. In spite of her family responsibilities—her husband is singularly busy, and has irregular hours; and they have a growing child, I hope she will be able to continue to give of herself as she has in this work.

I ask unanimous consent that the article from the Washington Post of May 11 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELEVEN WHO FAILED ARMY TESTS WIN REVERSAL BY CRAMMING

(By B. D. Ayres, Jr.)

Eleven men rejected early this year by the Army as educationally unfit have since passed military service examinations with the aid of a cram course.

Two achieved grades high enough to permit them to enter the Army as volunteers and thus receive preferred training and assignments. The remaining men scored high enough to permit them to volunteer for the draft and thus be placed at the top of the call-up list.

Military and labor specialists view the project with enthusiasm. They see it as an aid to both enlistment and job qualification.

Originally, the 11 men had volunteered for the Army but had failed the enlistment screening test, which determines if volunteers should take final service entrance tests. After learning of the failures, the National Committee for Children and Youth invited the men to take the special 6-week course, which was set up by the committee with Manpower Act funds designated for the renewed fight against poverty.

The course enabled each man to raise his screening test grade an average of about 20 points, for a class test average of about 35 out of a possible 48. The passing mark is 28.

As set up, the program offered job-placement aid to men who completed the course but chose not to take the Army reexaminations or men who failed the reexaminations. Army rules permit men to take the screening test twice.

The men who took the course told counselors they had volunteered for the Army in hope of acquiring training that eventually would give them a boost in the labor market.

Almost all were school dropouts who came from impoverished backgrounds.

Committee officials currently are considering a second Washington program and work is underway on a Baltimore program.

Similar projects for rejected draftees are being planned by the Labor Department. Job placement will be emphasized even more heavily than in the committee's programs, which concern only service volunteers.

Initially, 27 men signed up for the National Committee course.

Eleven dropped out early in the program, most because job hours conflicted with class hours.

Of the remaining men, only two failed reexaminations in the screening test. The others chose not to take more tests, were unable to find the time, or were physically disqualified.

MRS. ANGELIKA SCHNEIDER'S SUCCESSFUL SUIT TO MAINTAIN NATURALIZED CITIZENSHIP

Mr. PELL. Mr. President, on Monday, May 18, the Supreme Court handed down a landmark decision in overruling the district court decision which upheld the revocation of Angelika Schneider's naturalized citizenship.

Mrs. Schneider, who had her citizenship revoked because she returned to the land of her native birth and resided there with her husband for more than 3 years, had the courage of her convictions to fight an obviously inequitable law—one which declared that naturalized citizens, who are citizens by choice, do not enjoy the same privileges and rights, under our Constitution, as do our native-born citizens, who are citizens by the accident of place of birth.

In the majority opinion of the Court, Mr. Justice Douglas stated:

> We start from the premise that the rights of citizenship of the native born and of the naturalized person are of the same dignity and are coextensive * * *. This statute proceeds on the impermissable assumption that naturalized citizens as a class are less reliable and bear less allegiance to this country than do the native born. This is an assumption that is impossible for us to make.

I am pleased that the part of my bill, S. 1641, which would have repealed the same statute so wisely struck down by the Court, need not now be acted on.

I only regret that Congress has not yet acted to revise and up-date all our immigration and nationality laws.

I ask that the opinion written by Justice Douglas be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

ANGELIKA L. SCHNEIDER, APPELLANT, *v.* DEAN RUSK, INDIVIDUALLY AND AS SECRETARY OF STATE, ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, MAY 18, 1964

Mr. Justice Douglas delivered the opinion of the Court.

The Immigration and Nationality Act of 1952, 66 Stat. 163, 269, 8 U.S.C. sections 1101, 1484, provides by section 352:

"(a) A person who has become a national by naturalization shall lose his nationality by—

"(1) having a continuous residence for three years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, except as provided in section 353 of this title,[1] whether such residence commenced before or after the effective date of this Act."

Appellant, a German national by birth, came to this country with her parents when a small child, acquired derivative American citizenship at the age of 16 through her mother, and, after graduating from Smith College, went abroad for postgraduate work. In 1956 while in France she became engaged to a German national, returned here briefly, and departed for Germany, where she married and where she has resided ever since. Since her marriage she has returned to this country on two occasions for visits. Her husband is a lawyer in Cologne where appellant has been living. Two of her four sons, born in Germany, are dual nationals, having acquired American citizenship under section 301(a)(7) of the 1952 Act. The American citizenship of the other two turns on this case. In 1959 the United States denied her a passport, the State Department certifying that she had lost her American citizenship under section 352(a)(1), quoted above. Appellant sued for a declaratory judgment that she still is an American citizen. The District Court held against her, 218 F. Supp. 302, and the case is here on appeal.[2] 375 U.S. 893.

The Solicitor General makes his case along the following lines.

Over a period of many years this Government has been seriously concerned by special problems engendered when naturalized citizens return for a long period to the country of their former nationalities. It is upon this premise that the argument derives that Congress, through its power over foreign relations, has the power to deprive such citizen of his or her citizenship.

Other nations, it is said, frequently attempt to treat such persons as their own citizens, thus embroiling the United States in conflicts when it attempts to afford them protection. It is argued that expatriation is an alternative to withdrawal of diplomatic protection. It is also argued that Congress reasonably can protect against the tendency of three years' residency in a naturalized citizen's former homeland to weaken his or her allegiance to this country. The argument continues that it is not invidious discrimination for Congress to treat such naturalized citizens differently from the manner in which it treats native-born citizens and that Congress has the right to legislate with respect to the general class without regard to each factual violation. It is finally argued that Congress here, unlike the situation in *Kennedy* v. *Mendoza-Martinez*, 372 U.S. 164, was aiming only to regulate and not to punish, and that what Congress did had been deemed appropriate not only by this country but by many others and is in keeping with traditional American concepts of citizenship.

We start from the premise that the rights of citizenship of the native born and of the naturalized person are of the same dignity and are coextensive. The only difference drawn by the Constitution is that only the "natural born" citizen is eligible to be President. Article II, section 1.

While the rights of citizenship of the native born derive from section 1 of the Fourteenth Amendment and the rights of the naturalized citizen derive from satisfying, free of fraud, the requirements set by Congress, the latter, apart from the exception noted, "becomes a member of the society, possessing all the rights of a native citizen, and standing, in view of the Constitution, on the footing of a native. The Constitution does not authorize Congress to enlarge or abridge those rights. The simple power of the national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual." *Osborn* v. *Bank of United States*, 9 Wheat. 738, 827. And see *Luria* v. *United States*, 231 U.S. 9, 22; *United States* v. *MacIntosh*, 283 U.S. 605, 624; *Knauer* v. *United States*, 328 U.S. 654, 658.

Views of the Justices have varied when it comes to the problem of expatriation.

There is one view that the power of Congress to take away citizenship for activities done by the citizen is nonexistent absent expatriation by the voluntary renunciation of nationality and allegiance. See *Perez* v. *Brownell*, 356 U.S. 44, 79 (dissenting opinion of Justices Black and Douglas); *Trop* v. *Dulles*, 356 U.S. 86 (opinion by Chief Justice Warren). That view has not yet commanded a majority of the entire Court. Hence we are faced with the issue presented and decided in *Perez* v. *Brownell, supra, i.e.*, whether the present Act violates due process. That in turn come to the question put in the following words in Perez:

"Is the means, withdrawal of citizenship, reasonably calculated to affect the end that is within the power of Congress to achieve, the avoidance of embarrassment in the conduct of our foreign relations?" 356 U.S., at 60.

In that case, where an American citizen voted in a foreign election, the answer was in the affirmative. In the present case the question is whether the same answer should be given merely because the naturalized citizen lived in her former homeland for three years. We think not.

Speaking of the provision in the Nationality Act of 1940 which was the predecessor of section 352(a)(1), Chairman Dickstein of the House said that the bill would "relieve this country of the responsibility of those who reside in foreign lands and only claim citizenship when it serves their purpose." 86 CONGRESSIONAL RECORD 11944. And the Senate Report on the 1940 bill stated:

"These provisions for loss of nationality by residence abroad greatly lessen the task of the United States in protecting through the Department of State nominal citizens of this country who are abroad but whose real interests, as shown by the conditions of their foreign stay, are not in this country." S. Rep. No. 2150, 76th Cong., 3d sess., p. 4.

As stated by Judge Fahy, dissenting below, such legislation, touching as it does on the "most precious right" of citizenship (*Kennedy* v. *Mendoza-Martinez*, 372 U.S., at 159), would have to be justified under the foreign relations power "by some more urgent public necessity than substituting administrative convenience for the individual right of which the citizen is deprived." 218 F. Supp. 302, 320.

In *Kennedy* v. *Mendoza-Martinez*, supra, a divided Court held that it was beyond the power of Congress to deprive an American of his citizenship automatically and without any prior judicial or administrative proceedings because he left the United States in time of war to evade or avoid training or service in the Armed Forces. The Court held that it was an unconstitutional use of congressional power because it took away citizenship as punishment for the offense of remaining outside the country to avoid military service, without, at the same time, affording him the procedural safeguards granted by the Fifth and Sixth Amendments. Yet even the dissenters, who felt that flight or absence to evade the duty of helping to defend the country in time of war amounted to manifest nonallegiance, made a reservation. Justice Stewart stated:

"Previous decisions have suggested that congressional exercise of the power to expatriate may be subject to a further constitutional restriction—a limitation upon the

[1] The exceptions relate, inter alia, to residence abroad in the employment of the United States and are not relevant here.

[2] For other aspects of the case see 372 U.S. 224.

kind of activity which may be made the basis of denationalization. Withdrawal of citizenship is a drastic measure. Moreover, the power to expatriate endows government with authority to define and to limit the society which it represents and to which it is responsible.

"This Court has never held that Congress' power to expatriate may be used unsparingly in every area in which it has general power to act. Our previous decisions upholding involuntary denationalization all involved conduct inconsistent with undiluted allegiance to this country." 372 U.S., at 214.

This statute proceeds on the impermissible assumption that naturalized citizens as a class are less reliable and bear less allegiance to this country than do the native born. This is an assumption that is impossible for us to make. Moreover, while the Fifth Amendment contains no equal protection clause, it does forbid discrimination that is "so unjustifiable as to be violative of due process." *Bolling* v. *Sharpe*, 347 U.S. 497, 499. A native-born citizen is free to reside abroad indefinitely without suffering loss of citizenship. The discrimination aimed at naturalized citizens drastically limits their rights to live and work abroad in a way that other citizens may. It creates indeed a second-class citizenship. Living abroad, whether the citizen be naturalized or native born, is no badge of lack of allegiance and in no way evidences a voluntary renunciation of nationality and allegiance. It may indeed be compelled by family, business, or other legitimate reasons.

Reversed.

Mr. Justice Brennan took no part in the decision of this case.

THE PUBLIC STILL PAYS

Mr. BARTLETT. Mr. President, 30 years ago my colleague, the junior Senator from Alaska [Mr. GRUENING] wrote a book entitled, "The Public Pays"—a study of power propaganda. This book described the massive campaign against public power waged by private industry.

Now the book has been updated and reissued as "The Public Pays—and Still Pays." The campaign is still underway. Many millions of dollars have been spent upon it. The book serves a worthy purpose in placing this campaign in clear perspective.

I ask unanimous consent that a review written by Ron Ross, managing editor of the magazine, Public Power, may be made a part of the RECORD at this point.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

THE PUBLIC STILL PAYS

(By Ron Ross, managing editor, Public Power)

More than 30 years ago, a well-known editor and writer distilled the massive hearings of the Federal Trade Commission's investigation of power company propaganda into a concise, readable volume entitled "The Public Pays—A Study of Power Propaganda."

The author, ERNEST GRUENING, later entered into a distinguished career of public service, and now is a U.S. Senator from Alaska. The book, long out of print, is being reissued this month—not because of Senator GRUENING's position or the undoubted historic merit of the book, but because, as the cover of the new paperback edition notes: "The Public Pays—And Still Pays."

Although originally published in 1931, 3 years before the Federal Trade Commission issued the summary report to its investigation of the companies' propaganda campaigns of the twenties, "The Public Pays" concerns a menace perhaps more threatening in 1964.

Today's power company propagandists have the benefits of some 30 more years of research into how to mold public opinion. And they have new methods of influencing the public. The book recalls how the shocked Judge Robert E. Healey, counsel for FTC at the hearings, asked the National Electric Light Association's director of public information whether the companies had neglected any form of publicity in their efforts to win favor for the companies. The answer was, "Only one and that is skywriting."

But back in the twenties, the full potential of radio broadcasting had not been realized, and TV was a laboratory dream. Recently it was reported that the electric companies advertising program (ECAP) was studying a plan for power company sponsorship of a multi-million-dollar TV series based on the life of the late Gen. Douglas MacArthur. Such ventures make it clear that the public not only is "still paying," but is paying sums undreamed of by even the most ambitious of the comparatively primitive power company public relations experts of the twenties.

In an introduction of the new edition of "The Public Pays," Senator GRUENING writes that the book is being reissued "to remind the American people about the proverb of the leopard and his unchangeable spots; to recall to them the immortal dictum of our forefathers that 'eternal vigilance is the price of liberty'; and to point out that 'The Public Still Pays.' "

To illustrate his point, Senator GRUENING has added reproductions of nine ECAP advertisements, including the infamous Berlin wall ad. This ad, published just a year ago, was assailed as "a particularly ugly advertising campaign" by the late President Kennedy.

Other ECAP ads include one featuring baby pictures from several years ago, and the one showing a youngster with a Bible, key, pencil, and ballot—seeking to equate private power with "symbols of freedom."

Also added to the new edition is the text of the February 1941 opinion (No. 59) of the Federal Power Commission, under the chairmanship of the late Leland Olds, describing the political activities of Northwest power companies in fighting local public power. Of more that $1 million expended by the companies between 1935 and 1940 for "political and legislative interests and to influence public opinion," half was charged to the companies' consumers.

But the main substance of the book is the original text of the study of the electric power companies' efforts to control public opinion. The story begins with the proposal in 1927 of the late Senator Thomas J. Walsh, of Montana, for an investigation of the electric utility industry, and how opponents of the investigation, led by the late Senator Walter F. George, of Georgia, succeeded in diverting the investigation to the Federal Trade Commission, where it was assumed it would largely wither.

Credit for starting the companies' massive efforts to curry favor is given to Samuel Insull, who in 1919 ordered the creation of an "Illinois Committee on Public Utility Information." This was "the progenitor of a nationwide movement."

"Although it deals with propaganda," wrote author GRUENING in the introduction to the first edition, "this volume is not propaganda on either side of the controversial issue involved—as that issue was envisaged by the strategists in the power propaganda campaign. The material is as far as possible extracted verbatim from the Federal Trade Commission's reports and exhibits, so that the propaganda's purpose, as nearly as may be, is revealed 'out of the mouths' of its proponents."

In the following chapters, the words of the "proponents" are frequently used to spell out how the power companies sought to corrupt education, win the support of women and children, control the press and even bar Chautauqua platforms to public ownership advocates.

Chapters on the power company campaign in the universities and colleges may seem remote, but are they? It was less than 2 years ago—not in the twenties—that a Columbia University press release referred to "the continuous inroads of the tax free public ownership" in promoting a utility management workshop.

Just last month, the American Power Conference, held in Chicago under the sponsorship of the Illinois Institute of Technology in association with leading universities, provided, as it frequently has in the past, a forum for power company spokesmen to attack public power.

Many of the techniques employed by the power companies in the twenties will be familiar to those who have opposed the contemporary company propagandists. Nor have the names even changed in all cases.

The first edition of this book reported on the Federal Trade Commission's disclosure of the "canned" editorial propaganda mill operated by E. Hofer & Sons. Free editorials were provided to newspapers by the service which was financed by the privately owned electric utilities and other industries. And they still are, as Senator GRUENING notes in his new introduction.

"Although exposed 30 years ago by the Federal Trade Commission, the practice of thus subverting public opinion continues," he comments, quoting the text of a recent Hofer editorial to demonstrate "the similarity in the the line taken by the Hofer editorial and the contemporary advertising of the utility companies."

"The Public Pays" shows that in the twenties, as today, the company propagandists were seeking to discredit municipal electric utilities. And, then as now, they were frustrated by successful operations.

"The sad part of the story is that it is true," wrote a spokesman for the companies' "Oklahoma Utilities Information Committee" in 1927 to a colleague in New England when asked about a story praising the Ponca City municipal system which had appeared in the Christian Science Monitor.

Similarly, a Michigan leader reported, "The less said about Holland the better," when asked about the Holland, Mich., system. "It is a successful municipally owned plant, and there is no use denying the fact."

A Missouri propagandist complained of the low rates of the Hannibal, Mo., system and advised a coworker, "It is extremely desirable that the Hannibal plant should be removed from the field of comparison in Missouri." And an Illinois committee official confidentially reported the failure of efforts to find discrepancies in the accounts of the Springfield system.

The title, "The Public Pays," no doubt came from the advice given a public relations section of the National Electric Light Association by the Association's managing director, the late M. H. Aylesworth, in 1924: "Don't be afraid of the expense. The public pays the expenses."

That was 40 years ago, but as Senator GRUENING points out, the public is still paying. And it's likely that the public will continue to pay for its own brainwashing until it awakens to the facts about this long, continuing propaganda war of the companies.

Widespread distribution of this timely new edition of Senator GRUENING's book can make an important contribution to this awakening.

THE BOOK

"The Public Pays," a Study of Power Propaganda, by ERNEST GRUENING, new, enlarged

edition, 273 pages, New York, the Vanguard Press, May 1964, $2.25.

This is a new, enlarged edition of Senator GRUENING's study, first published in 1931, of power company propaganda as revealed by the Federal Trade Commission.

Copies may be ordered at $2.25 each, with quantity discounts, from: American Public Power Association, 919 18th Street, NW., Washington, D.C.

THE AUTHOR

Senator ERNEST GRUENING, Democrat, of Alaska, author of "The Public Pays," has had two distinguished careers: in journalism as a writer and editor, and in public service as an administrator and legislator.

Born in New York City, the son of an eminent physician, he attended Harvard and went on to receive his M.D. degree from the Harvard Medical School. But instead of entering the medical field, Dr. GRUENING became a newspaper reporter in Boston, where he rapidly rose to the position of managing editor of a Boston newspaper. He moved to New York as managing editor of the New York Tribune, and after Army service in World War I became managing editor of The Nation magazine.

In 1927, he founded a liberal daily newspaper in Portland, Me., the Evening News. While editing the Portland paper, his interest was attracted to the Federal Trade Commission investigations of the power trust, and he wrote "The Public Pays" to help focus public attention on the investigation's revelations.

After serving a year as editor of The Nation, he was appointed by President Franklin D. Roosevelt as a member of the U.S. delegation to the Seventh Inter-American Conference at Montevideo, Uruguay, and the following year was named director of the Division of Territories and Island Possessions in the Department of the Interior. He also served as administrator of the Puerto Rico Reconstruction Administration and helped create the Puerto Rico Water Resources Authority.

Appointed Governor of Alaska in 1939, he served in that post until 1953, during which time he was a leading advocate of statehood. When Alaska became a State, he was elected one of its first two Senators in 1958. He was reelected to a full 6-year term in 1962.

NEITHER SNOW NOR RAIN NOR DARK OF NIGHT NOR EARTHQUAKE CAN STAY THE STORK FROM THE SWIFT COMPLETION OF HIS APPOINTED ROUNDS

Mr. BARTLETT. Mr. President, the Alaska earthquake struck at 5:36 p.m. on Good Friday.

At Elmendorf Air Force Hospital the day was proceeding normally. The day shift had left for the Easter weekend, the evening shift was making its rounds. In obstetrics a mother expecting twins was in labor. And then the earthquake struck.

Patients were knocked out of beds, windows were broken, walls crumbled, ceilings fell.

The wise decision was made to evacuate the building. This is most difficult procedure in any hospital. At Elmendorf the problems were immense. The elevators were out of order, the telephones were inoperative, the electricity and heat were off.

The hospital was evacuated in 18 minutes, a remarkable feat. Within minutes after the earthquake, over 95 percent of the hospital's full staff was on duty. Wards were set up, an operating room established, and cooking facilities arranged in the out buildings surrounding the hospital.

And at 6:45 p.m., 1 hour and 9 minutes after the quake, the twins were born.

I ask unanimous consent that an article, describing the heroic and courageous and immensely efficient work of the staff of Elmendorf Air Force Hospital, may be made a part of the RECORD at this point. The article is from the Sourdough Sentinel of April 24.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOSPITAL REBOUNDS AFTER EARTHQUAKE

(By Capt. Robert L. Powell, Chief, Administrative Division USAF Hospital, Elmendorf)

Good Friday, March 27, had been a good day. It had been busy as usual, with many patients, plus the extra preparation for a visit by the Inspector General of the Alaskan Air Command to USAF Hospital Elmendorf on April 6.

When 5 p.m. came, the day staff of the hospital was more than eager to turn the patients over to the evening crew and to head for their homes in anticipation of a pleasant Easter weekend.

The evening staff, 45 strong, went about their usual duties. The Army Medical Officer of the Day (MOD) Capt. Joseph E. Roe, was in the emergency room examining a patient. The Air Force MOD, Capt. Alan Herrington was in the main lobby on his way to the dining hall.

The labor and delivery nurse, Capt. Patsy L. Gibbens, was checking on the progress of a patient carrying twins who was in labor. The food trays had been delivered to all patients on the medical ward and the nurse, Lt. Phyllis J. Nagle, was seated at the nurse's station working on the cardex nursing notes. On the 6th floor, Mrs. Alice Phillips, the charge nurse, and her staff were delivering food trays to the patients.

At precisely 5:36 p.m. each stopped what he or she was doing, for the hospital had begun to sway just slightly. A thunderous noise began. Thousands of thoughts ran through their minds. Was it an earthquake (Alaska has tremblers frequently)? Was it a sonic boom? Was it a nuclear attack? An instant later, all these questions were answered. Earthquake.

The entire building became a cacophony of sounds and movements. Glass crashed from window sills, walls groaned and cracked, ceilings fell, beds crazily banged from one wall to another in the patients' rooms and on the wards, floors rippled up and down as roller coasters do, insulation spewed from the seams in the walls, water pipes spurted, marble panels collapsed to the floors, fumes of acids and gasses and medicines pervaded the hospital, the pharmacy floor ran deep in red, green, and purple sirups, thiolate and food splattered the walls.

Patients held desperately to their beds as they were crashed from wall to wall or they huddled together on the floor in the sure knowledge that they had but moments to live. In the dining hall, on the ground floor, both patients and staff dashed quickly to safety through the exits and turned to watch the hospital sway several feet in either direction.

Then all was still, a deathly, eerie silence. Capt. Paul L. Rohlf, a medical officer on obstetrics, looked out the window, where an instant before he had seen only concrete blocks disintegrating, he now saw people standing in the snow looking at the hospital, held there, in awe, by the fact that the hospital still stood.

The administrative officer of the day (AOD) Capt. Nedd D. Mockler, had been on his rounds on the first floor by the dental clinic when the earthquake had begun. As the intensity increased, he and the others on the first floor ran through the emergency entrance. As they flew through the doors, they saw large pieces of the A wing falling to the ground. Captain Mockler saw four panic-stricken children in a car and carried two and pushed two to a safe spot away from the building.

Within moments after the swirling motion and horrendous noise stopped, hurried conferences began. The AOD suggested to the MOD that the patients be evacuated. He agreed. They discovered that the elevators were out of order, that the telephones were inoperable, and that the electricity was off, except for the emergency power.

Unnamed runners were dispatched to every floor to pass the word. The floor nurses rushed to their more seriously ill patients to determine their condition. The obstetrics officer of the day (OBOD) dashed to the labor room of the lady with twins. A2c. Frank Benson sprinted to the airmen's barracks to summon aid. He encountered streams of medical airmen, and Air Force NCO's quartered in one building, already pouring from the barracks on their way to help. By twos and threes, the off-duty nurses hastened back to the hospital from their nearby quarters.

In the nursery, the babies had been wrapped to go to their mothers to be fed. Capt. Elizabeth J. Kearns, the post partum nurse, had followed the advice of the aid, Mrs. Riddich, who had been through many quakes.

When it was over, she called down the hall for each mother to come take a baby and get out of the building. They clawed their way through the dust and smoke where the nursery ceiling had fallen, each took a baby and hurriedly, but without panic, headed down the stairs and outside. Only one mother, in a small voice said "This isn't my baby."

On the surgical floor, ward 3, Capt. Elsie Phielix, the nurse, had called to all patients to get on the floor when it began. While the hospital shook, she quickly checked a postoperative hemicolectomy, sat him in a chair, and went into the ward. The quake subsided. She headed for 3B to check her patients, found all OK.

A nurse, Capt. Louise Stroup, popped in, said "evacuate," and disappeared. The ambulatory patients were directed down the middle stairway. Corpsmen A1c. Willie L. Goss and A2c. Robert A. Bax plus the other personnel who now had arrived on the floor got the litters, loaded them, and headed down the end exit stairwells.

T. Sgt. John D. Newell, the noncommissioned officer of the day (NCOD) had been in the dining hall eating when the earthquake began. He, as did all others, soon realized that this wasn't the usual shaker. When it was over, he headed for the second floor. The nurse there told him, with great relief, that the babies had been evacuated safely. They searched the nursery to make sure.

Amid the rubble of jumbled carts and fallen ceiling, they could find no more babies, so Sergeant Newell clambered up the stairs to check 3, 4, 5, 6, and 7. He found the stairs crowded with patients and staff, but all seemed to have complete presence of mind and were evacuating or assisting in the evacuation in a very orderly fashion. No panic existed.

On 7, the neuropsychiatric floor, A2c. George Briihl, was alone with the patients. The patients were all watching TV except one who was outside the ward entrance visiting with his wife. Then the quake hit. The patient's wife and some of the patients dashed toward the elevators. Airman Briihl shouted for them, and all the other patients, to hit the deck.

They watched one of the ward doors break from its bottom hinge, they saw the floor by the kitchen crack, buckle violently, then settle into place, and they witnessed the corner of the kitchen move a few inches to the right, the walls cracking and splitting, and then return to its place.

When it was over, they got to their feet and headed for the stairs. One patient refused to go. He stated that he had been ordered to stay on the ward and that that's what he was going to do. With assistance from two of the other patients, Airman Briihl persuaded the reluctant one to leave.

Capt. John J. Smith, a surgeon, was in the physician's office on the sixth floor, where his daughter was a postoperative patient awaiting air evacuation to Madigan General Hospital in Tacoma, Wash. As the quake subsided, he hurried to his daughter's side, found her OK, called to Lt. Marilyn A. Gadjusek, the nurse on 6A, was assured that her patients had survived.

He sent a corpsman to the elevators, found them inoperative, put his daughter on a litter and with the aid of A2c. Jay D. Bohnenblust, evacuated her to the ground floor. Finding no one there, he took her out of the building and placed her in an ambulance.

Capt. Maynard Nelson, another surgeon, had worked late, having just finished seeing a patient when the quake began. His wife awaited him just outside his office; his children were in his auto parked just outside the hospital.

During the quake, he escorted his wife out of the building, found his children with Captain Mockler, the AOD, and after the decision to evacuate, he and Captain Stroup, the surgical clinic nurse, dashed from floor to floor to check conditions and spread the word to evacuate.

As the earthquake had begun, the hospital commander, Air Force Col. Oliver R. Seaman, was relaxing in his living room. When it was over, he prepared to head for the hospital. Within minutes, his staff car rolled up to his home and he was hurried to the area.

Lt. Col. Thomas A. Farrell, the executive officer, had just arrived at his home as the tremors began. He checked on his family, found them shaken but well, and immediately drove back to the hospital.

A few moments after 6 p.m., the first staff arrivals back at the hospital, found a triage and treatment section operating at the ambulance entrance under the direction of Lt. Col. Billye G. Gant, chief of medicine, who had been in his office on the fourth floor, and the two MODs.

Lieutenant Colonel Farrell, one of the first to return, discovered that all of the 181 patients and 18 newborns had been evacuated to the nurse's quarters, NCO barracks, and the airmen's barracks in 18 minutes. Minutes later, the commander arrived. He and Lieutenant Colonel Farrell began a survey of the damage.

A command post was established in the hospital's litter bus in the staff parking lot. The hospital's two "handy-talkies" were put in use for communications. A bull horn, procured to alert the barracks personnel in an emergency, was placed in use by T. Sgt. Desmond L. Ashley to direct traffic and operations. Ninety-five percent of the staff was on duty.

Air policemen arrived on the scene and were posted as perimeter guards and traffic controllers.

An urgent request was dispatched to the 64th Field Hospital for field generators to restore the lighting in the quarters building now being rapidly turned into wards, treatment rooms, and casualty rest areas. A major surgery suite appeared as if by magic in the barrack's training room. Ward services cared for and sorted out patients and soon a pediatrics area developed, as did a surgical ward, an NP ward, a medical ward and a female ward.

In the nurses' quarters, OB appeared. Dr. Rohlf, by flashlight, delivered the first of twins at 6:45 p.m. hours. Capt. Clarence Boone, an obstetrician, arrived to assist in the delivery of the second minutes thereafter.

The commander designated the ice skating rink warmup hut as the dining hall, and field ranges from the 64th Field Hospital arrived, were set up, and food was soon available for all.

Then the generators were in place. A telephone was installed and the command post was moved to the airmen's barracks.

Throughout the move, patients were seen and cared for. No accurate count was kept but estimates indicate that perhaps 50 patients were treated. Most of the injuries were minor and superficial, lacerations, abrasions, and bruises. Of significance were one Army patient with a fractured skull and a patient with two fractured radiuses.

At approximately 2 a.m., with the inpatients asleep, electricity restored, few incoming patients, and relative calm prevailing, Lt. Col. J. Lewis Smith, chief of hospital services, Capt. Ross C. Brown, his administrative assistant, and Captain Powell manned the command post and the majority of the staff departed for their homes or bedded down for the night anywhere they could find space to lie.

THE MARYLAND PRESIDENTIAL DEMOCRATIC PRIMARY

Mr. HUMPHREY. Mr. President, I rise to commend the distinguished and able junior Senator from Maryland [Mr. BREWSTER] for the fine record he achieved in the presidential Democratic primary election in his State of Maryland.

As has already been stated on this floor, he is a diligent, hard-working, and able Senator. He carried a very heavy burden in the Maryland presidential Democratic primary, in which he ran as a favorite-son candidate, against a candidate with substantial financial support and wide press coverage because of the stand he takes on one of the great issues of our times, civil rights. Of course, I refer to the Governor of Alabama, Mr. Wallace.

I respect the accomplishments of any candidate who obtains a sizeable vote. In my opinion, Senator BREWSTER's statement that he won, and that he was pleased, was a succinct and proper statement on the part of the victor, because he did win. He won by a margin of more than 50,000 votes, in an election that did not in a very real sense bring out a large vote. The Governor of Alabama polled a large vote—between 42 and 43 percent, as is noted in the morning newspapers, of the total vote in that primary—not the total vote in the State, but the total vote in the presidential Democratic primary. Surely he has every right to feel that he made a very strong race and carried his viewpoint to a large number of persons, and convinced them.

Mr. Wallace is not only a segregationist; he is also a conservative. He argued the case on the States rights issue, which has a sort of nostalgic appeal, until people find out what it really means—including right-to-work laws, which are generally defeated in State referendums, and which indicate that the States like a great deal of Federal help, but do not want anyone to know it.

I have noticed that most of the avowed States righters have their hands in the Federal Treasury clear up to their elbows. But still they talk about States rights.

Be that as it may, Mr. Wallace, the Governor of Alabama, carried on a strong campaign. The issue is whether the election decides the outcome of the civil rights bill. I believe most Senators feel that it does not. I have noticed that the leaders of the opposition to the civil rights bill in the Senate feel that it had little or no effect. Everyone I have talked to felt it would have little or no effect.

Primary elections, whether in Wisconsin or in Maryland, are drawn out of all proportion. I have noticed that the Republicans were involved in a primary election in Oregon not long ago in which a small number of people cast a vote, but the result almost became an international event. The same thing happened in Maryland. While only a small percentage of the total possible vote participated, the result in Maryland also seemed to some to be a great international event.

If we wish to discuss elections, I believe that the Senator from Wisconsin [Mr. PROXMIRE], gave us food for thought. Every incumbent Representative in the House of Representatives who voted for the civil rights bill—the bill that was under attack by the Governor of Alabama—won a smashing victory. Every avowed segregationist who had filed and campaigned in opposition to civil rights was beaten, humiliated, and overwhelmed by the size of the vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may have an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, if it makes anyone happy, let me say that the civil rights forces won a great victory in the election that was closest to the people; namely, the congressional elections. The Republican Senator from Maryland [Mr. BEALL], known as a strong proponent of civil rights, swamped his opposition. He rode over all of his opposition with a tremendous vote.

It appears to me that the civil rights issue has its strong points in terms of the votes for Members of Congress.

What I believe is much more important is what was said in the campaign. I am delighted that the Democratic Senator from Maryland [Mr. BREWSTER] won. I am pleased that Governor Wallace lost. I am delighted that the incumbent Representatives who voted for the civil rights bill—they did not merely express an opinion but had their vote registered—won in every instance.

I am pleased that the avowed enemies of the civil rights bill, the avowed segregationists, suffered a devastating and humiliating defeat.

But having made that statement, I believe that what is most important is the distortion that took place in the campaign. There is such a thing as fighting

it out on the issues. But to fight it out on the issues when the issues are completely misrepresented is most unfortunate.

For example, I read in this morning's issue of the Washington Post some quotations. I shall read a few:

Wallace, avowing that he was a segregationist but not a racist, told his frequently boisterous audiences that the bill was a "back door open occupancy bill."

That is not true. There is a proviso in the bill that would exclude contracts of insurance or guarantee. That proviso concerns Federal programs related to housing.

The article continues to quote Governor Wallace as saying that the bill—

Would "bus your kids all over town and destroy your neighborhood school system."

There is a provision in the bill that would explicitly and absolutely prohibit this. There is a court ruling by the U.S. Court of Appeals for the Seventh Circuit in the case of Bell against City of Gary, Ind., which defends neighborhood schools, and, indeed, prohibits busing.

Then the Governor said that the bill would—"tell employers whom they can 'hire and fire' and 'destroy the seniority system of labor unions.'"

The authors of the bill in the House—those who were the architects of the bill and those in the labor movement itself—have said that that statement is totally untrue. It just is not so.

So what is most tragic is how the bill which has been before the Senate has been distorted.

Mr. President, the bill may very well be amended before it leaves the Senate. I believe it will be. But be that as it may, Mr. Wallace carried on a campaign of misrepresentation time after time in relation to the provisions of the bill. That is the sad part of it.

I should like to say that we in the Senate have an obligation, and a duty. And when the time comes for a vote I believe Senators will vote their convictions.

Thus far the segregationists have not won an election. I do not care how many headlines they get. A contest has taken place in three carefully selected States. First, there was the contest in Wisconsin, where there is crossover voting; the second in Indiana, where the southern part of the State is as southern as the Confederacy; third in Maryland, where in the days of the War Between the States, the State and her population fought half for the North and half for the South. In Maryland there has been a strong feeling of conservatism. People in that State hold views that are similar to those held in many parts of the South. It is a State which is still evenly divided.

All people know—and it was said quite openly—that the primary could be and would be a very close election. If it makes anyone happy, let me say that Mr. Wallace did well. He did well enough so that thoughtful people in our country ought to be concerned, because if elections can be won on the basis of racial prejudice, on the basis of distortion of proposed legislation, on the basis of arousing bitterness and emotionalism, such as was the case all too often in the Maryland primary election, then America is going to have to examine her conscience.

I believe the demonstrations that frequently took place in Maryland, such as those at Cambridge, had a very serious and sad and negative effect on the election. Therefore, I appeal to those who wish the Senate to legislate, and to get its business done, to restrain themselves and their emotions, and to petition their cause in an orderly way. With equal candor I ask those who have the authority of the law and the power of the police to restrain themselves. Some of the conditions that have prevailed, as I have seen them in the press and on the television, are enough to shock any American. How can America lead the whole free world when time after time what the people of America and the whole world see is a battle between the people and the police? That is no way to show the land of the free and the home of the brave. That is why we need a civil rights bill. We need it so that we can bring those problems into the courts and into the councils of legislation, so that we can build a framework of law within which men of reason, tolerance, understanding, and good will can work. I hope and pray that this may be the ultimate outcome of our efforts.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of my newsletter stating some of my observations on the civil rights bill, as to what it provides and what it does not provide.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

[Special Civil Rights Newsletter, May 1964]

THE TRUTH ABOUT THE CIVIL RIGHTS BILL—NEWSLETTER FROM SENATOR HUBERT H. HUMPHREY

Representative WILLIAM M. MCCULLOCH, of Ohio has denounced the "false and misleading charges being directed at the civil rights bill now in the Senate."

The Congressman is the ranking Republican on the House Judiciary Committee and the chief architect of the bill. He also is one of the most respected conservatives in the House.

I have taken the liberty of reprinting his statement in this special newsletter because I believe it clarifies what is in the civil rights bill and exposes the distortions peddled by its opponents.

To those people who believe in equality under the law, who support the Constitution, and who love liberty for themselves and for others, the civil rights bill is moderate in scope, and in accordance with the best traditions of America.

Here is what the civil rights bill does and does not do.

EDUCATION

The bill does not permit the Federal Government to transfer students among schools to create "racial balancing."

The bill does not permit the Federal Government to dictate to schools or teachers as to what they must teach.

The bill does not permit the Federal Government to force religious schools to hire teachers they do not want.

The bill does not permit the Federal Government to interfere with the course content or day-to-day operations of public or private schools.

The bill does not permit the Federal Government to interfere with the job or seniority rights of schoolteachers.

The bill does authorize the Attorney General to bring civil suits to desegregate public schools where individual citizens are too poor or are afraid to bring their own suits.

Only at and after the request of a school board, the bill would authorize the commissioner of education to furnish limited technical and financial assistance to those public schools which need assistance in desegregating.

HOUSING

The bill does not permit the Federal Government to tell any home or apartment owner or real estate operator to whom he must sell, rent, lease, or otherwise use his real estate.

BANK LOANS

The bill does not permit the Federal Government to tell a bank, savings and loan company or other such financial institution to whom it may or may not make a loan.

EMPLOYMENT AND UNIONS

The bill does not permit the Federal Government to interfere with the day-to-day operations of a business or labor organization.

The bill does not permit the Federal Government to require an employer or union to hire or accept for membership a quota of employees from any particular minority group.

The bill does not permit the Federal Government to destroy the job seniority rights of either union or nonunion employees.

The bill does authorize a bipartisan commission to investigate charges that an employer has refused to hire or that a union has refused to accept for membership an individual solely because of his race, sex, color, religion, or national origin. If the Commission cannot dispose of the charge through the voluntary cooperation of the employer or union, the Commission must either drop the charge or bring a civil suit in a U.S. district court. In court the Commission must prove its charge by a preponderance of the evidence.

This authority is weaker than that granted to 25 State commissions under State law. And, where a State Commission is doing its job the Federal Commission may not interfere.

FARMERS

The bill does not permit the Federal Government to interfere with a farmer's operation of his farm.

The bill does not permit the Federal Government to impose minority quotas upon a farmer's farmhands or tenants.

The bill does not permit the Federal Government to interfere with membership in farm organizations.

The bill only requires that a farmer, having 25 or more employees, may not refuse to hire an employee solely because of the color of his skin or his religion.

SOCIAL SECURITY AND VETERANS BENEFITS

The bill does not permit the Federal Government to deny or interfere with an individual's right to receive social security or veterans benefits.

VOTING

The bill neither authorizes nor permits the Federal Government to interfere in a State's right to fix voter qualifications.

The bill does not permit the Federal Government to practice "judge shopping," or otherwise interfere with the local Federal judiciary.

The bill does provide limited procedural safeguards to assure that citizens are not denied the right to vote because of their race, color, religion, or national origin.

HOTELS AND RESTAURANTS

The bill does not permit the Federal Government to tell general retail establishments, bars, private clubs, country clubs, or service establishments whom they must serve.

The bill does not permit the Federal Government to tell a lawyer, doctor, banker or other professional men whom he must serve.

The bill does not permit the Federal Government to tell a barbershop or beauty shop owner whom he must serve, except that such establishment, if located in a hotel, must serve all patrons of that hotel.

All the bill does is to require that the owners of places of lodging (having 5 or more rooms for rent), eating establishments, gasoline stations, and places of entertainment are to serve all customers who are well behaved and who are able to pay.

This requirement is weaker than the public accommodation laws of 32 States. And, where these States properly enforce their laws, there is no reason for the Federal Government to interfere.

RIGHT TO JURY TRIAL

The civil rights bill contains no primary criminal penalties. Only civil actions are authorized, to prevent an individual from continuing to violate provisions of the bill. Historically and according to the Constitution, jury trials are not authorized in these types of cases. The laws of the 50 States are the same in this regard.

FREEDOM OF THE PRESS AND FREEDOM OF SPEECH

The bill does not permit the Federal Government in any way to interfere with freedom of the press and freedom of speech.

GRANT OF DICTATORIAL POWERS TO FEDERAL GOVERNMENT

A majority of the States have enacted legislation which is as strong or stronger than the major provisions of the civil rights bill. Nothing in the bill interferes with the effective enforcement of these State laws. And, where these laws are being effectively enforced, there is no reason for the Federal Government to interfere in State's rights.

In each title of the bill, effective administrative and judicial safeguards are provided. Federal officials are granted no final authority to withhold Federal financial assistance or impose penalties upon citizens. Every citizen is guaranteed his day in court with all the judicial safeguards that the Bill of Rights guarantees.

STATE CIVIL RIGHTS LAWS

A majority of States have strong civil rights legislation which is effectively enforced. The Federal civil rights bill specifically provides that the Federal law will in no way interfere with the right of those States to continue enforcing their laws. And, where the States do so, the Federal Government will have no cause to enforce the Federal civil rights law in those States. Thus, for the Americans who do not discriminate against their fellow citizens because of race, color, or religion, the Federal civil rights bill will have no effect on their daily lives.

CONSTITUTIONALITY

Twenty-two of the Nation's most distinguished lawyers have stated that titles II and VII—those dealing with public accommodations and fair employment practices—are "within the framework of the powers granted to Congress under the Constitution."

Among the lawyers submitting this legal opinion were three former Attorneys General of the United States, Francis Biddle, Herbert Brownell, and William P. Rogers, four former presidents of the American Bar Association, David E. Maxwell, John D. Randall, Charles S. Rhyne, and Whitney North Seymour; and four law school deans, Erwin N. Griswold of Harvard, Eugene V. Rostow of Yale, John W. Wade of Vanderbilt, and William B. Lockhart of Minnesota.

HUBERT H. HUMPHREY.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 minutes, since I have already spoken during the morning hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I have heard with deepest interest, as usual, the eloquent words of the distinguished Senator from Minnesota [Mr. HUMPHREY]. I rise only to add what I believe is a necessary corollary, for I had pointed out earlier that the Wallace vote may very well have been based upon a good deal of misrepresentation of the facts with respect to the bill.

The time is coming—if it is not already here—when the leadership of this great bipartisan and historic struggle must be taken over by the President. I do not believe that there is any substitute for leadership at the highest level of government. The President has said that he wants the bill. He has spoken out on behalf of the bill in some very difficult places, such as the South. I give him all credit for his eloquent statements.

I believe, with all respect due the great office which the President occupies and his position as a former distinguished Member of this body, that he must go deeper than he already has gone. There are too many misconceptions, too many false ideas about this bill which are being spread across the land. Many of us have challenged them, but there is no challenge like the challenge that can come from the most august office in the land when it comes to laying out the true facts. It seems to me that that is the very essence of the office of the President.

I deeply feel that before we are through, the President will have to marshal the forces of our country to make this historic decision which is pending in the Senate, the facts will have to be laid out for the American people in all their truth as only they can be by a President.

I am not appealing to the Senator from Minnesota [Mr. HUMPHREY] to join me in this statement. I merely state for myself as an ardent proponent of the measure before the Senate that this is the point which, in my judgment, must be certified to the American people if we are to dispel so many of the misrepresentations which seem to be abroad.

Mr. ELLENDER. Mr. President, I have listened with interest to the statements made by my good friends, the Senator from Minnesota [Mr. HUMPHREY] and the Senator from New York [Mr. JAVITS].

It is true that Governor Wallace did not win any of the delegates for the Presidency in the Maryland primary, but I consider his 43-percent vote margin a smashing victory against the civil rights bill.

I did not hear Mr. Wallace speak at any time. His views, as quoted in the newspapers, were in accord with the minority views contained in the report of the House Judiciary Committee. During the last four weekends I motored through many parts of Maryland. I spoke with and met many people. If my good friend from Minnesota does not believe the people from Maryland who voted, did not know what is in the pending bill, he is mistaken. They obtained much information from the press, the radio, and television as well as from many advocates of the pending measure. This bill envisions the biggest power grab that has ever been presented to the Congress, and, believe me, the people of Maryland with whom I spoke know about it. They realized that social reforms cannot be forced upon any people.

Very few had ever seen Mr. Wallace. They had never talked with him. They may have seen him perform on television. But, Mr. President, the Tawes machine in Maryland did all it could to assist our good friend, Mr. BREWSTER. All the preachers, all the rabbis, all the priests in Maryland—and there are many of them—were preaching "Vote for BREWSTER and against Wallace, the racist, the segregationist." In addition the labor unions were urging their members to vote against Wallace. Quite a few Members of the Senate made talks in Senator BREWSTER's behalf. But when the votes were counted, over 43 percent of the votes cast were in favor of Governor Wallace.

As indicated by the analysis, written by Laurence Stern, and placed in the RECORD by the senior Senator from Georgia [Mr. RUSSELL], the large Negro vote made possible the victory of Senator BREWSTER.

Yesterday, while having lunch, and before the votes were counted, I stated to some of my colleagues that in my opinion Wallace would get more than 40 percent of the votes. I believe my friend from Minnesota predicted that he would get 35 percent.

Mr. HUMPHREY. If the Senator will yield, I said that I expected that he would receive 35 percent, and I said he might receive up to 45 percent. I did not know I was such a good predicter.

Mr. ELLENDER. I ask unanimous consent to have printed in the RECORD, an editorial entitled "A Close Thing." The editorial was published today in the Washington Evening Star.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A CLOSE THING

Maryland's Democratic primary turned out to be a real shocker.

Governor Wallace, offering nothing but an opportunity to cast a so-called protest vote, wound up with 42.66 percent of the ballots. Senator Brewster had 53.20 percent. The others were divided between Andrew J. Easter, who runs for almost everything, and an uninstructed delegation.

Actually, Mr. Wallace carried 16 of the 23 counties in Maryland. The tide was turned against him by the vote in Montgomery, which is especially gratifying to us, and in Baltimore city.

It is both astonishing and dismaying that an Alabama Governor with Mr. Wallace's background on the racial question could come into Maryland and make such a strong run. But this should not be allowed to obscure the meaning of his show of strength.

Assuming, as it seems reasonable to do, that the vast majority of the Negro vote was cast for Senator Brewster, it is a fair inference that Governor Wallace may have won a majority of the white vote, since the actual difference between the totals for the two men was about 52,000 out of some 475,000 votes.

Doubtless there were a number of reasons for the extent of the protest. Some of it may have been a rather generalized dissatisfaction, a chance to register disapproval of "the way things are going," without responsibility for electing anyone to office. Surely, however, the most important factor was the "white backlash"—resentment against the tactics used by civil rights groups in Maryland. The city of Cambridge in Dorchester County has had a great deal of demonstration trouble. And Governor Wallace carried that county by a 4-to-1 margin, although, according to one report, every Negro vote in Cambridge was cast for Senator Brewster.

What all of this foreshadows is anyone's guess. But if the country is in for the "long, hot summer" which some Negro leaders anticipate, meaning renewed and more violent street demonstrations, there is precious little reason to look for improved race relations any time soon.

The PRESIDING OFFICER. The 1 hour for morning business has expired.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that I may have 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I disagree violently with my colleague from New York who seeks to place the blame for the stalemate on the civil rights bill on the President of the United States. The President of the United States has used his leadership throughout the Nation in behalf of the bill. The President of the United States, with courage, has spoken on this bill not only in the North, but in the South, on various journeys in various parts of our Nation.

The courts of this country have acted in the field of civil rights. The President has acted in the field of civil rights. The Senate of the United States has not acted in the field of civil rights.

This is a difficult problem. I personally believe that under the able leadership of the Senator from Minnesota the civil rights debate has been conducted with brilliance. I am confident that this debate will result in a victory for the civil rights bill in the Senate.

I think it is unfair of the Senator from New York to place the burden for the Senate's failure to act upon the shoulders of the President of the United States.

When it comes to the Maryland primary, we should be candid with one another. I disagree with the Senator from Minnesota.

I campaigned in the State of Maryland. I made two major addresses at the request of the Senator from Maryland [Mr. BREWSTER], and made three television appearances.

Senator BREWSTER is an outstanding man. Senator BREWSTER is a brilliant man. He is a man of great reputation and personality. But the fact is Governor Wallace scored a big victory, and we should not try to gloss it over.

Governor Wallace has proved something. I think he has proved that there are many Americans in the North as well as the South who do not believe in civil rights. But that still is not the answer in the Senate. In the Senate each Senator is here to vote his conscience and to do what is best for the Nation today and in the days ahead.

Even though a great many persons may disagree with Senators, as indicated in the votes in Wisconsin, Indiana, and Maryland, that does not take away our duty to vote our convictions and our consciences. I am confident the Senate will act that way, and that the American people, even those who supported Wallace, will in time recognize the rightness of the vote of the Senate.

As I have said time and time again on the floor and time and time again in private, it will not be easy to solve the problem of civil rights. It will require cooperation from people in the southern as well as the northern part of the Nation.

Mr. President, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. I predict that the future turmoil in the field of civil rights will not be just in the South, but primarily in the North. There has been a great shift of population in the United States. During the past decade a million and a half Negroes have moved to Northern States. There is a constant shift from the South to the North. Today 1,100,000 Negroes are tenant farmers or laborers in the agricultural areas of the South. They are being displaced in great part by mechanization. Those Negroes are moving to the northern part of the United States.

After the civil rights bill is passed, the problem of civil rights will be basically an urban, northern problem, which must be dealt with in part by the President's antipoverty measure, by efforts in the field of education, and by efforts to raise living standards and supply jobs.

That is why I am proud that the debate that has taken place under the brilliant leadership of the Senator from Minnesota has been kept on an equitable basis. In the days ahead every U.S. Senator and every responsible statesman will have to try to bind up the Nation's wounds.

The fault does not lie in the fact that Governor Wallace chose to go to Wisconsin, Indiana, and Maryland, because he has the same right to campaign for the Presidency of the United States in any State of the Union as has any other citizen. The complaint I have against him is that he is a man who seeks to divide rather than unite the Nation. Unlike President Johnson, who goes up and down the Nation trying to unite it, Governor Wallace has sought to divide the Nation by appealing to the basest instincts of the people. Any man who holds high office should not do that. Any man who holds high office should attempt to unite the people rather than divide them. Therefore, I think we can take a lesson from the President of the United States. It ill behooves the Senator from New York to attack the President when the leadership should come from the Senate itself.

Mr. JAVITS. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. JAVITS. I could understand my distinguished friend the Senator from Connecticut violently disagreeing with me if he were right about the facts—but he is not.

I did not attack the President of the United States. Indeed, I lauded him for speaking about this matter in the South. I did not suggest that the Senate divest itself of its responsibilities and place them upon him. I thoroughly agree with the Senator from Connecticut regarding the Senate's responsibility. What I suggested is that the President, as the leader of our country, help us to obtain passage of the civil rights bill by exposing the misrepresentations about the bill. There have been many misrepresentations which the public, in my judgment, have apparently accepted. If the Senator from Connecticut quarrels with me on that, that is his privilege, and I could be wrong, although I believe that I am right. And before we are through with the debate, if we expect to exert a massive effort to enact the civil rights bill, I believe that from the highest source in the land there must come an implementation of leadership—that is, the President must lay out for the American people what is really in the bill, what it really means to the American people, and how its provisions will be administered.

After all, Governor Wallace told the people of Maryland, for example, that "a Federal inspector will tell you whom to hire." The law will be administered by the executive branch, and not by Congress.

I make the plea that the highest source should tell the American people what we are really trying to do, what is and what is not in the civil rights bill, and how it will be administered—and to lay all the facts before the people.

Mr. RIBICOFF. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. Let me point out that while Governor Wallace states his position, the Senator from Maryland [Mr. BREWSTER] stated his position. In my memory in the field of politics, which goes back to 1933—and it has been an active political life—I do not recall a single issue facing the Nation which has been as fully reported by the press of the United States as the civil rights bill. The press of the United States has devoted page after page, day in and day out, to what is in the bill. The television networks have opened up their nationwide facilities to let men of the North as well as men of the South discuss it. Many analyses have been made, and many magazine articles have been written.

The fact that people are against the civil rights bill, in many instances, does not mean that the press has failed, or that the President has failed. It is a fact that there are people in this country who are against civil rights. I believe that we would be better off if we acknowledged that fact. Not everyone supports this bill, but the Senator from New York supports it strongly, the Senator from Minnesota [Mr. HUMPHREY] supports it strongly, and I support it strongly, and we do so because we believe it is necessary for the United States of America. The President of the United

States has gone up and down this land to explain the bill and its purposes. His predecessor did likewise; so there is no question of lack of communication.

The point I wish to make is this: I believe that one of the great tragedies in the civil rights debate is the impression which has been created that once the bill is passed, we shall have solved the problems of the civil rights issues.

I say to the Senate that once the bill is passed, the next 20 years will be years of strife and turmoil in the field of civil rights.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. One of the great duties of men in public life is to face reality, to avoid illusions. The illusion is that we will solve the problems of civil rights with the passage of this bill. The reality is that the bill, much as it is needed, will not solve all the problems.

There should be a law to implement the Constitution of the United States. This is our duty to achieve and our duty to accomplish. But we have to recognize that after the bill is passed, every Senator, during his term of office, and even after his term of office is finished, will have a great burden and a great responsibility to continue working to resolve these problems.

I have said time and time again that what bothers me most is that people can always see problems 1,500 miles away. In the cities of the North, including the one I come from, mass meetings are held concerning the problems in Mississippi and Alabama, and yet those very same people who complain of what is happening in Mississippi and Alabama refuse to walk six blocks from where they live to straighten out their own problems around the corner.

The problems are northern problems as well as southern problems. It will require a great deal of effort on the part of northern Senators and northern Governors, as well as southern Senators and southern Governors, to help solve the problems.

What I am pleading for is a realistic appraisal of one of the great social and economic issues which face this Nation.

This is only the beginning. In the days ahead, after the bill has been enacted into law, every responsible man in public office will have a job to do.

It is the approach of President Lyndon B. Johnson that will solve the problem and not the approach of Governor Wallace.

Mr. JAVITS. Mr. President, will the Senator from Connecticut yield for one further observation?

Mr. RIBICOFF. I yield.

Mr. JAVITS. I agree with what the Senator from Connecticut has just said. I should like to add one point; namely, that what we, the proponents of the bill, are trying to get now is our due. We believe that the South—our opposition—is getting more than its due. The facts should not be suppressed, as they would be, apparently, if we failed to act.

Mr. RIBICOFF. I should say that in my judgment, the northern position receives 80 percent of the coverage in the press. I believe that we get the best of it. Let us acknowledge it. Yet, this continues to be a tough problem. Those of us who have worked in government for many years know that the educational job of the government is one of the toughest. It is not easy. It requires effort on a day-to-day basis. I know that the distinguished Senator from New York does his job and does his duty. There is not a man in this country who knows more about civil rights and what is in the pending bill than the Senator from New York. This is a long and tough job; and all of us had better get ready for the next two decades to try to solve the great problems which will face us.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, I rise only to salute the Senator from Connecticut for what I consider to be not only a brilliant statement, but a most thoughtful, provocative, helpful, and considerate statement.

The Senator may recall that yesterday in our caucus I indicated to fellow Democrats, North and South, that one of the reasons why we had tried to manage the affairs of the Senate through a process of accommodation was that I did not wish to see the Senate set an example of anger and bitterness that would precipitate or encourage similar examples outside the Chamber. In other words, we needed to treat one another with respect, even though we had differences of opinion. I believe that we have been able to do that.

The Senator from Connecticut has given a very fine response with reference to the role of the President of the United States as a man who believes in a united people in a United States of America. I must say also that his leadership has been courageous. It has been the kind of leadership that has evoked a hearty and warm response from the American people.

More than 500,000 people on the streets of Atlanta, Ga., came out to greet the President of the United States, just as he would have been greeted in any other part of America. He delivered a great and persuasive message to the people of Atlanta.

I would add to the words of the Senator from Connecticut—and I add them only to commend the Senator from Connecticut, because nothing new can be said—that everyone knows that enactment of the bill will be but one of many steps to be taken. Every one knows that poverty and discrimination are tied together. Everyone knows that poverty is underscored by illiteracy, sickness, frustration, and hopelessness, and that this is a part of an ugly pattern which exists in all too many places in the United States.

I have stated repeatedly that there would be grave and serious trouble in the Northern areas, as there has been in the Southern areas; but, be that as it may, we do not need to point the finger of shame or blame. What the Senate needs to do, and what I thought I tried to say, was that regardless of primary elections—which make great headlines, but which I do not believe indicate much more than a sampling of public opinion—Senators have a duty to perform. A Senator must vote his convictions and his conscience. That is what the Senator from Connecticut has said. I thoroughly agree that what we need to do in great national contests is to plead with people to exercise forbearance, understanding, and tolerance, and to be a united people. America cannot shoulder its responsibilities, now or in the future, without this unity. I thank the Senator from Connecticut for his reassuring words and for his constructive statement.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN subsequently said: Mr. President, I wish to pay as high a tribute as possible to the junior Senator from Connecticut [Mr. RIBICOFF] who has placed some things in their proper perspective. I wish to pay tribute also to my good friend the senior Senator from Minnesota, for comparable remarks.

It is unfortunate for anyone to charge that one who places a different interpretation upon the pending bill than he does is guilty of misrepresentation. I have heard many constructions placed on the provisions of the bill by Senators who are not in agreement with each other. I disagree with some of their interpretations. But I concede the right of each to make his interpretation. And I likewise concede his intellectual honesty in making it.

There are millions of people in the United States who are opposed to the bill. All of the truth on this subject is not on one side. A serious situation exists in the country. But there are many people like myself who, in their heart of hearts and mind of minds, are opposed to the bill because they doubt its constitutionality in many respects.

I honestly think that the bill makes a great assault upon the finest system of government ever conceived by the mind of man by attempting to concentrate in a centralized Federal Government powers which the Constitution wisely left to the States or to the people themselves.

The greatest authority on Government who ever occupied the White House was Woodrow Wilson. And Woodrow Wilson stated these things in essence:

> Liberty has never come from the government. Liberty has always come from the subject of it. The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

Furthermore, the bill professes to have the objective of conferring equality on

all men by legal coercion. The objective of the bill in that regard is inconsistent with the preservation of the liberty of the individual.

In the very nature of things, we cannot have equality coerced by law, and freedom of the individual. We must take our choice between the two things. They are incompatible. It is freedom of the individual, and not governmental regimentation which has made America great.

When I must take a choice between the freedom of the individual and supposed equality coerced by law, I take my stand beside freedom of the individual. I consider it the most precious possession of civilization.

To me, the bill is incompatible with the system of Government ordained by the Constitution. It would destroy the basic liberties of American citizens in many respects.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to continue for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, furthermore, the bill is an attempt to legislate in a field in which law cannot operate successfully. Attempts have been made in times past to regulate by law the contents of men's minds. They have always failed. Fundamentally, the bill is an attempt to regulate the contents of men's minds. I say this because under the bill the legality of the act of an individual is not to be judged by the quality of his external act. It is to be judged solely by the contents of his mind at the time he commits the act.

One thing history teaches us is that law cannot regulate the contents of men's minds. We ought to thank God that the law cannot regulate the contents of men's minds, because if it could, the tyrants of the past would have had all the previous generations of mankind in mental straitjackets. Tyranny has always sought to deny men the right to think. I repeat, law cannot regulate the thoughts of men. It has attempted to do so in times past. Churches and governments have attemped to control the thoughts of men but have been unable to do so.

For this reason, I do not believe the bill can operate successfully. I agree, moreover, with the distinguished Senator from Connecticut [Mr. RIBICOFF] that even if the bill is enacted, it will be years before the problems with which it deals are solved.

The bill can only act as law acts, that is, through coercion. Coercion breeds hate, not love; resistance, not cooperation. That is how the bill would operate if it were enacted.

Several years ago the Government undertook, by the Volstead Act, to regulate the contents of men's stomachs. It sent prohibition agents into every township and precinct in the United States to regulate the contents of men's stomachs. That act resulted in dismal failure. It showed that prohibition is a field in which law cannot operate successfully.

Since the Federal Government was unsuccessful in its attempt to regulate by law the contents of men's stomachs, I do not believe it has the capacity to regulate the contents of men's minds, as the civil rights bill would purport to do.

I thank both the Senator from Connecticut [Mr. RIBICOFF] and the Senator from Minnesota [Mr. HUMPHREY] for placing some matters in proper perspective and for making it clear that there is a difference of opinion among honest men in respect to the pending bill.

Mr. LONG of Louisiana. Mr. President, the vote for George Wallace in Maryland yesterday amounts to a fantastic protest against forced racial integration in general and against this forced-integration bill in general.

We have heard much talk in the past several weeks about the so-called white blacklash, and the voters of the Free State of Maryland proved that from now to election day the white blacklash will probably be the largest single factor to be reckoned with on the American political scene. The headlines of this morning's Washington Post indicate that, while Governor Wallace was losing the race by a very narrow margin, he was actually winning a majority of the white votes in the State of Maryland. Thus, we note that more than half of Maryland's white voters are full-fledged members of and participants in the white blacklash.

This is so despite a long list of factors which, by all odds, should have given Senator DAN BREWSTER a 10-to-1 victory over Governor Wallace. But, instead, there was a fantastic Wallace protest vote.

This was accomplished in spite of the fact that Senator BREWSTER is the best Democratic vote-getter in the State of Maryland. He proved that only 2 short years ago when he led the Democratic ticket.

This was accomplished in spite of the fact that Senator BREWSTER was standing in for one of the greatest of the great Presidents of the United States—Lyndon Baines Johnson.

This was accomplished in spite of the fact that the President's 30 years of national experience qualifies him as several times the better presidential candidate than Governor Wallace—save on the one question of forced racial integration.

This was accomplished in spite of the fact that Wallace was up against the State Democratic machine and most county machines.

This was accomplished in spite of the fact that Wallace was being opposed by organized labor.

This was accomplished in spite of the fact that he was opposed by virtually all of the various churches and religious groups.

This was accomplished in spite of the fact that Senator BREWSTER was actively supported by no less than 10 of our most distinguished Democratic Members of the U.S. Senate who went out into Maryland and campaigned actively for their fellow Senator.

This was accomplished in spite of the fact that the press and news media were viciously opposed to the Wallace candidacy and repeatedly failed to tell the Wallace side of the story.

This was accomplished in spite of the fact that organized agitators—many of them probably paid by the militant minority groups—were out attempting to shout Wallace down whenever and wherever he tried to speak.

In short, Mr. President, Governor Wallace overcame overwhelming odds to make a fantastic showing in the State of Maryland. Except for the many above-mentioned adverse conditions facing him, he would have carried the State of Maryland by a substantial majority. He might have carried the white vote 2-to-1.

It seems very evident that most people simply do not want the commodity that our Democratic leadership is trying to force down their throats. For example, on the Eastern Shore of Maryland, when the voters were confronted with repeated racial demonstrations, they gave 80 percent of their votes to Governor Wallace. Discounting the Negro vote there, Governor Wallace must have received 90 to 95 percent of the white vote in some of those areas.

It is my judgment that President Johnson is both an effective leader and a good politician. I believe that he has the good judgment to see what is happening in this country—notwithstanding the political pressures of the small minority which is attempting to force racial integration in this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, there is a tremendous reaction moving against forced integration in all sections of the country today. The President and his counselors would be well advised to alter their course on this subject in favor of the freedom of every person to associate with and to do business with those of his own choosing. Otherwise, he is taking the chance of losing at least a dozen States—and, more, possibly, twice that number—by the votes of citizens who are more concerned about their personal liberties than they are about their economic welfare, national defense, or a great number of other important national issues.

Unless a completely different approach is quickly adopted in the matter of forced racial integration, the Democratic Party is certain to feel the full impact of the gigantic white protest in favor of many of our fundamental personal freedoms.

THE 1964 BEEF CATTLE OUTLOOK

Mr. McGEE. Mr. President, in January the First National Bank of Omaha published a very thoughtful and well-researched special service bulletin concerning the prices farmers will be receiving this year for their fat cattle.

This bulletin is very interesting for several reasons. The first is that the

author, Frank L. Love, vice president of the bank, has not attempted to hang all the blame for declining beef prices for the producer on imports, although I would not write this factor off as completely as he does.

The main import of his bulletin is that the cattlemen themselves, by increasing the numbers of cattle on feed and by feeding their cattle out to extra heavy weights, have contributed to the oversupply of beef in America.

I believe that it is very important that those of us who are concerned over the financial squeeze that threatens the continued existence of the cattleman consider all facets of the problem and not content ourselves with one explanation for this serious situation.

This bulletin presents a very constructive analysis of one aspect of this situation and, therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

THE 1964 BEEF CATTLE OUTLOOK

SLAUGHTER CATTLE

We are inclined to agree with the majority of crystal ball gazers in that the fat cattle market in 1964 will probably average out pretty close pricewise to that of 1963. In other words, throughout most of 1964, we look for average Choice slaughter steers weighing 1,000 to 1,200 pounds to sell in the area of $22.50 cwt. f.o.b. Omaha. For the week ending December 28, 1963, they averaged $21.46 cwt. Please note that we are speaking of average Choice slaughter steers, which means that high Choice to Prime will probably establish market tops of at least $1 to $3 cwt. more than the prices stated. Other grades and classes of slaughter cattle will sell in normal relation to Choice slaughter steers.

There are a number of factors that can and will influence the short-term outlook from time to time. For example, we have seen an advance in the fat cattle market here in Omaha for the past 2 days, January 6 and 7, of 50 cents to $1 cwt. This is the result of lighter receipts for a 2-week period. Since there are still a good many finished steers and heifers and some with weight, ready to move, this strong market of the past 2 days will undoubtedly cause increased receipts the balance of this week and next which will tend to slow down any further price advances in the fat cattle market at this time.

On the other hand, the cattle on feed—January 1 report will be issued January 17, and because there are still so many feeder cattle, particularly calves, unsold in the range country, we believe that this report will show a very small increase, if any, in the number of cattle on feed January 1, 1964, versus January 1, 1963. If this proves to be true, it will have a psychological effect on the eastern buyers of carcass beef, and others, and will give a little stimulus to the trade and result in a little further strength in the fat cattle market.

The absence of any significant increase (3 percent or more) in the number of cattle on feed, January 1, however, could be very misleading to cattle feeders and others. We know that back on January 1, 1963, we had a substantial increase in the total numbers of beef cattle on farms and ranches in this country. These increased numbers plus this year's increased calf crop must still be accounted for in some manner. If they do not show up in the form of increased numbers on feed this January 1, then they must still be on ranches and will subsequently, in the course of the next few months, move from ranches to feedlots. This would simply mean that even though the number of cattle on feed January 1 might not show a significant increase, a comparable comparison between June 1 and the corresponding month a year ago, could show a substantial increase in numbers of cattle on feed.

Because of this late movement of calves, in particular, to the feedlot, it could result in a substantially better fat cattle market the latter part of this year and the first part of 1965, than the first half of 1964.

Another factor, and perhaps the most important one, that will substantially influence the price of fat cattle throughout the current year is the weight at which farmer-feeders are willing to market their cattle. It is our considered opinion that the decline in fat cattle prices in 1963 was not so much the result of foreign imports of meat and live cattle, or increased numbers here in our own country as it was the excess weight to which farmer-feeders fed cattle throughout the year. Slaughter steers and heifers continually averaged 40 to 90 pounds per head in live weight over the year previous. This was equivalent to a 4 to 8 percent increase in the production of dressed beef. This factor alone was enough to break the market. It was illustrated on two or three occasions during the year that a 3 to 4 percent cutback in tonnage of beef immediately created a substantial improvement in the price level.

The sad part of this situation is that this excess finished weight not only created substantially lower prices but the extra weight would not have been profitable for the farmer-feeder even if fat cattle had gone to $28 cwt. It costs the average feeder substantially more than 28 cents a pound to produce the last 50 or so pounds after steers reach 1,150 pounds and heifers 950 pounds on the average. This is why we have said repeatedly that the farmer-feeder has no one to blame but himself for the price dilemma on slaughter cattle. This is also why we say that if farmer-feeders as a whole can be made to understand that it does not pay them to put on the last 50 pounds in any event, and, if during 1964 they will market their fat cattle at average weights 50 pounds under 1963, it will create at least a $2 cwt. better average price than we had last year. This could well mean the difference between profit and loss for most feeders.

This is something easier said than accomplished, but the best means available for accomplishing it is to have the man who controls the farmer-feeder's purse strings (his banker) explain the situation to him and vigorously encourage his customer to market at lighter weights.

Contrary to popular concept, foreign imports of meat have had comparatively little effect on "fed" cattle prices. This is a rather ambitious statement in the light of all the publicity that is being given to the subject by certain Government and livestock association officials and others who are not fully informed or need a "cause" to promote. It is also one that is difficult to explain in a brief manner.

First, it must be understood that very little, if any, imported beef is sold or consumed in the form of roasts, steaks, etc., as domestic "fed" beef is. Rather, it is used as boneless lean meat in the production of sausage meats (cold cuts, hot dogs, and other prepared meat items) and to commingle with beef trimmings from "fed" cattle in the production of hamburger.

Next, it should be noted that the per capita domestic production of lean meat is down 7 pounds from the early 1950's (lean meat production is principally from canner and cutter cows and bulls—dairy cow numbers have declined 50 percent in the past 10 years and are now about as low as they can go). In the meantime, imports of lean meat have increased 9 pounds per capita. The net gain in lean meat supply, therefore, has been only 2 pounds per capita. During this period, the consumer demand for sausage meats has increased manyfold. Ten years ago, sausage meats represented approximately 4 percent of total meat consumption compared to approximately 30 percent today. Admittedly, sausage meats do compete for a portion of the consumer's food dollar but it is not a significant direct competition with "fed" beef because it has been demonstrated repeatedly that if sausage meats are in short supply or get too high in price, the consumer turns to chicken and other proteins rather than to steaks and roasts.

With this increased consumer demand for sausage meats and a decreased domestic production of lean meat, lean meat prices (and in turn, canner and cutter cows and bulls) would have soared to prohibitive prices. This, in itself, would have been wonderful for persons marketing canner and cutter cows and bulls, but it would have created further substantial declines in "fed" cattle prices. Here is why:

The largest single meat item consumed in our country today is hamburger. Hamburger cannot be made exclusively from the trimmings and cheaper cuts of "fed" beef. Their fat content is too high for consumer acceptance even in the form of hamburger. (This is considerably more true today than even 10 years ago—more cattle, particularly heifers, are being fed to a higher degree of finish.) Therefore, without the availability of foreign lean beef, a very considerable tonnage of trimmings and cheaper cuts (plates, flanks, etc.) could not have been used as hamburger at as favorable a price level, which would have meant a substantially lower price on these items and, in turn, would have adversely affected the net value of "fed" beef.

Thus, we see that although imported beef has made possible the increased production and consumption of sausage meats which is only in limited competition with "fed" beef, it has permitted a greater realization on trimmings and certain cuts (which represent approximately 25 percent of the carcass) from "fed" cattle.

So, again we say that there are far more economic factors in the beef business to worry about, than foreign imports, although we do agree that there is a limit to which our country should go in permitting such importations.

FEEDER CATTLE

As indicated in the foregoing, we anticipate a substantial increase in the marketing of feeder cattle during January and early February as compared to a year ago. This is indicated in the rewrite on loan participations. We would expect the feeder cattle market to remain steady during the first quarter of 1964, except as it responds to any changes in the fat cattle market. There will be enough demand for feeders to take care of this supply at current feeder prices.

Many of the calves unsold by ranchers will be carried by them until April. Most ranchers have plenty of hay on hand for their normal numbers plus these additional unsold calves and will keep them in an effort to produce additional weight and bloom on the calves before selling them.

It is not anticipated, however, that a larger number of feeders than normal, coming to the market from the range country in April, will depress the price of feeder cattle at that time because there will probably be fewer replacement cattle available in March, April, and May of this year from the wheat country than there were a year ago.

Projecting ahead to this fall, we would guess that feeders will make another determined effort to buy feeder cattle even lower than this past summer and fall. We think this would be particularly true of yearlings

over 700 pounds and two's. Although feeding losses will be substantially less in 1964 than 1963, it will still be touch and go for most feeders. It would be our guess that steer calves will sell at $26 to $28 this fall, yearling steers at $22 to $23 and two's at $20 to $21.

BREEDING STOCK

We would anticipate an increase in number of breeding cattle offered for sale although many of them will be the result of closer culling. We look for good quality, good aged, range cows to sell at the $165 to $185 level. Bred heifers accordingly would sell at the $150 to $170 range.

We look for the bull market to be quite slow this spring with many good bulls selling in the area of $300. This would certainly be the time for many ranchers and farm cow herd owners to upgrade the quality of their breeding stock through the purchase of good bulls on this weak market.

Breeding stock of outstanding quality will bring a premium, of course, over the prices enumerated above.

SPECIAL NOTE

In 1964 plain quality cattle probably will not be too attractive to feed since the full cost of gain per pound will be substantially higher than the anticipated slaughter value. By the same token, it will be a year in which a premium for so-called quality will not pay either. Gainability (which is not directly related to quality) and hence, cost of gain per pound, will be the key to results.

F. L. LOVE.

RAFT TRIP DOWN SNAKE RIVER NEAR JACKSON HOLE, WYO.

Mr. McGEE. Mr. President, one of the most thrilling adventures available to an American, in my opinion, is to raft down the Snake River near Jackson Hole.

An excellent account of such a trip appeared in the May 17 issue of the Washington Post. I ask unanimous consent that this article, by Nate Haseltine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S GREAT FUN TO BOB DOWN THE SNAKE

(By Nate Haseltine)

Two cantankerous cowboys started it.

They figured that vacationers, particularly Easterners and Californians, would pay well to take a raft ride down the Snake River in Wyoming.

The five vacationing Haseltines paid $10 a head (no reduced rate for children) and enjoyed every second of it. The original cowboy raftbusters weren't there. They had, literally, a falling out some years ago.

The float trips are now sponsored by those who run Grand Teton National Park in Wyoming.

Timewise, it pays to stay overnight at Jackson Lake Lodge. There they wake you up in time for breakfast and the 8 a.m. departure for the Snake. We were trailer-camping, however, which was why we could afford the river trip.

Somehow, we got up early enough that, by skipping breakfast, we got to the lodge in time to catch the special bus to the river.

There, 18 of us piled onto, not into, the raft—a mammoth tube of rubber shaped like a pinched doughnut. The floor, for those who could touch it, was of plywood attached to an iron frame that also held the float in shape.

We grabbed the front seats on either side, though we weren't certain then whether it was the front or the back, and seats is euphemistic for unmarked spaces atop the inflated rubber. But it was comfortable.

Holly, 11, and Robbie, 10, sat foremost on either side. We later found out these were not only the wettest seats but also shared with the two places, in the stern the likelihood of being swept overboard by the paddle handles of the two steersmen.

The boat handlers, now college boys instead of the original cowboys, do nothing to propel the craft. The river current does that amply, and sometimes the steersmen are hard put just to keep the craft headed downstream, off shoals, or from going under overhanging branches or into undercut banks.

They are experts at it, and keep their muscles trim by climbing the nearby Tetons in spare time. Actually, we probably learned more about mountain climbing than river cruising that day, and particularly about the Tetons which we viewed in profile on that 30-mile ride downriver.

It was exhilarating more than exciting; thrilling more than pleasant. In fact, the best descriptive word for our experience was the three-letter one—fun.

Sometimes we glided noiselessly. Sometimes we heard and felt the raft's bottom scraping the river's. Occasionally, in what the steersmen apologetically called "white water," the raft kicked and bucked and pitched sprays of water that somehow sought out our three, Barbara and the aforementioned two.

The day was too cool in the morning and verging on hot in the afternoon. The steersmen passed out a sunburn-preventive cream as if they were paid for every empty tube they brought back.

They also gave us paper cups and showed us our drinking water supply, the clear and cold Snake River that was carrying us downstream. The raw water, they said, assays bacterially less than ordinary safe tap water. They instructed us to keep the river clean. The bottom of the raft became a huge ashtray and trash container.

"It's easier to clean out the raft than the river," the headman told us.

I was the first to spot what I thought was an eagle, high in a tree. It turned out it was an eaglet, and I declined my reward, that of leading the group in singing "The Star-Spangled Banner."

Later, we all saw the eaglet's mother, the baldheaded variety that is our national bird. We also saw a cow moose and her calf, coming up on them unexpectedly as we rounded one of the hairpin bends that characterizes the Snake.

They took off, crashing through marsh and thicket.

At lunchtime, the crew of two roped us safely ashore, in what seemed to be a fight between man and a jealous river.

There we ate box lunches. Our children shared theirs with incredibly friendly chipmunks.

We took off again for the afternoon finale, a longer ride but of shorter duration than the morning's. This course, for the raft rider, is fast water. The river narrows like the Potomac at Chain Bridge and runs about as fast on top.

At the finish point, the crew won another struggle with the currents and tied the raft to the shore. We caught the bus back to the lodge, while a flatbed trailer truck was portaging the raft back upstream for the next morning's run.

About those cowboys: We were near midpoint of the ride when the front steersmen pointed to a projecting tree stump, sticking out like a buoy and showing the direction of the tides. It was pointed away from us. He said he would tell us about it after we passed it.

The stump is called "Disputation Point." Seems that the cowboys did not get along too well with each other. So one day when the one up front decided to pass the tree on the left, the one in the back decided to steer it past on the right.

Each half succeeded. The raft hit and rode up the stump, midships so to speak. The cowboys and two passengers went overboard. No one was drowned, but it was the last of the raft rides until the Park Service took them over as a feature service.

ISRAEL INDEPENDENCE DAY

Mr. HUMPHREY. Mr. President, in our society the age of 16 is a major milestone on the road to maturity. Today, however, we are celebrating the 16th birthday of a nation which was mature at birth. The State of Israel sprang full grown from the sands of Palestine, already populated by patriots old in the ways of government and politics.

From its birth in 1948, Israel has grown and prospered in a most unprecedented manner. Its population has tripled in those 16 years, and its gross national product has multiplied untold times from its initial tiny base. Never in the history of nations have we seen such a fantastic success story. Not only has U.S. technical assistance long since been withdrawn as unnecessary, but Israel has for several years now taken up the burden of foreign aid on her own youthful shoulders. There is scarcely a nation in Africa where the blue and white flag does not flutter over some technical project intrinsic to economic development.

Today Israel is beset by new problems, but these are the problems of an established nation, not a rump group of hardy pioneers seeking to establish and sustain a national entity. The war has been won, the immigrants absorbed, the economy launched, the desert watered, and a true democracy assured. The social, economic, political, and international questions facing this democracy today must seem a luxury compared with the matters of life and death which had to be overcome in the early years of independence. That these life and death matters were overcome is the ultimate tribute to the leaders and people of that land.

It is a great pleasure each May to note the astounding progress that Israel has made in the prior year. It goes on year after year, without fail. In Israel a year is sufficient time for the building of a whole new city, the founding of a new industry, or the reclamation of vast areas of desert. Their time scale seems wholly different from ours—we move in slow motion by comparison.

And so today I am once again delighted to salute our dedicated and energetic friends at the far end of the Mediterranean. They have my profound respect and my warmest personal regards. I congratulate Israel on this memorable occasion, and I shall be waiting to see what new wonders she will accomplish by this time next year.

SIXTY-SIXTH ANNIVERSARY OF CUBAN INDEPENDENCE FROM SPAIN

Mr. SMATHERS. Mr. President, having checked with the able acting majority leader and the able acting minority leader, I ask unanimous consent that I

may speak for 20 minutes on a subject of importance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Florida is recognized for 20 minutes.

Mr. SMATHERS. Mr. President, today, May 20, may not be a significant day for some Americans, but for the brave Cuban people, it is a day of great importance; for on this day, 62 years ago, with the full moral and military support of the United States, Cubans won their independence from Spain.

Every year since that time, until 1959, the Cuban people have commemorated this date as freemen. But since the coming of Fidel Castro's Communist regime, 5 years ago, the Cuban people, once again, have found themselves in the grip of oppressive foreign rule.

In those 5 years, Castro has betrayed the trust and loyalty of the Cuban people to a tyranny unparalleled in their long history. This despotism represents an extension of Communist imperialism in the Western Hemisphere. It threatens the security and freedom of all the Americas.

There is hardly a country south of our borders which has not, in one way or another, been subjected to attempted subversion or outright invasion from that Communist bastion in the Caribbean.

The Organization of American States will soon meet to consider the indictment of the Communist regime of Fidel Castro. The action is brought and sponsored by Venezuela. That country has been under constant terroristic attacks supplied and directed by the Communist regime in Cuba.

Brazil, the most populous country in Latin America, almost succumbed to Communist infiltration. It was narrowly averted. British Guiana, Bolivia, Chile, and the countries of Central America are today under continuing strong Communist intimidation and are suffering from attempted Communist infiltrations.

But this is not all. Communist Cuba has threatened and continues to threaten even the Commonwealth of Puerto Rico with subversion and propaganda.

Thus, the continuance of a Communist presence just off our shores poses a direct threat to all the countries of Central and South America and an indirect threat to the United States of America. In the fall of 1962—on October 22, to be more exact—Cuba, with Soviet made and controlled missiles, constituted a direct threat to the security of the United States; but under the able and courageous leadership of the late beloved President John F. Kennedy we met that challenge in a moment of unspeakable danger and tension. Today I do not believe any responsible person really believes that there is a genuine threat of physical danger to the U.S. mainland or that there will be any time soon from the Communist stronghold of Cuba.

However, this does not mean to say that Cuba and its present Government is not a real, or immediate, or dangerous threat to our ideals and institutions, our position as leader of the Western Hemisphere, and the physical existence of our closest and best friends in Central and South America.

So, on this historic date, I propose to deal with the subject of Cuban subversion in some detail and to suggest certain countermeasures. I hope to answer the subtle voices that preach accommodation, by getting to the heart of the threat we face.

There has been an unfortunate tendency of late to view the initial victories for freedom in Venezuela and Brazil with, first, relief; then complacency.

However, students of Communist aggression know perfectly well that the forces of international communism look upon initial defeat merely as a temporary setback. For they are taught to regroup; to change their tactics; and never to cease their probes to test the weaknesses of their opposition.

So long as communism maintains its bridgehead in Cuba, that much longer will subversion and attempted aggression continue in this hemisphere; that much longer will we see postponed the noble goals of the Alliance for Progress; that much longer will we see postponed peace, prosperity, and stability for the citizens of Latin America.

Let me read abstracts from an interview with the head of Castro's subversive apparatus, Maj. Ernesto Guevara. It was printed in Ultima Hora newspaper, Lima, Peru, on March 31:

> My advice to Venezuelans is this: Arm yourselves and shoot through the head every imperialist you can find who is 15 years of age or older.
>
> For the people of Panama, I have this advice: Don't use boys, but put your sharpshooters in ambush.

This statement was made upon learning that we—the United States—propose to discuss with Panama our outstanding differences.

Asked about "wars of liberation," Guevara said:

> Violence is the only means by which political will can be imposed.

Could anything be clearer?

In an interview while he was in Algeria, as reported by Radio Progresso in Havana, April 16, 1964, Guevara stated:

> The great lesson Brazil offers is: First, we cannot count on our being able to dominate established armies; second, nonviolent means of gaining the successful liberation of America have proved to be very, very—indeed extremely—difficult.

The obvious corollary is that Communist Cuba is prepared to continue its policies of violence.

Brazilian police have uncovered Czech manufactured arms, tents, and Communist directed guerrilla training camps in the vast jungle wilderness of northeastern Brazil. The story of the extent of Cuba-directed Communist infiltration of that great country still remains to be told. But its outlines are clearly visible.

Only 2 weeks following the ousting of President Goulart and his Communist backers, the new War Minister announced the capture of caches of weapons "as well as other material for guerrilla warfare." Their origin was Communist Cuba.

The much propagandized agrarian reform organization in Brazil was actually found to be a channel to Communist subversion. Many millions of cruzeiros intended for that reform found their way into the pockets of Communist organizations.

The State of Guanabara was prepared for the Communist takeover. More than 100 clandestine radio stations were to be the mouthpieces of Communist-oriented Leonel Brizola, the anti-American brother-in-law of President Goulart. Fortunately, they were discovered.

The president of Brazil's Communist Party, Luis Carlos Prestes, openly boasted that hundreds of thousands of Brazilians who had been duped into supporting the Communist Party—and I quote him—"took their political direction" in equal amounts from the Cuban revolutionary government and the now deposed president Goulart.

It is no secret that many top-level positions in the Goulart government were occupied by known Communists. The fact that the Communists were unable to rally popular support in time to counter the swelling anti-Goulart forces, does not erase the fact that they had their hands at the controls of some of the most important government-run departments, particularly those which regulate or administrate communications, oil refining, education, and labor. It is frightening to think of the power and influence they could have wielded in these sensitive areas, had not Mr. Goulart's government been overthrown.

Mr. President, the Communist leaders of Cuba came very close to expanding Communist control to a nation of nearly 80 million people, a nation as large geographically as the United States of America. It is beyond debate that a link existed between the Communist leaders of Cuba and the Communists of Brazil.

Therefore, it was with great enthusiasm last week that the forces of democracy and freedom throughout the hemisphere greeted the news that Brazil's new President, Humberto Castelo Branco, has severed diplomatic and consular relations with Cuba.

Charging Castro with "interfering in Brazil's internal affairs," the Branco government said that the rupture in relations was in "consonance with the Brazilian Government's position of not permitting Communist action within its national territory," and then went on to accuse the Castro regime of "taking advantage of every opportunity to continue exporting its subversive doctrines through intense ideological propaganda."

It is truly unfortunate that a country of the size and stature of Brazil had to resort to revolution, at the risk of widespread civil strife, to defend her constitutional freedoms from Communist attack. It is hoped that the lesson of Brazil will not be forgotten when Chileans go to the polls this fall, to elect a new President, and when the Organization of American States meets, later this month, to consider charges of Cuban aggression against Venezuela.

Another Communist-backed Brazilian, Francisco Juliao, is still active.

In this connection, I believe it most important that those who are interested read the splendidly written articles

by Mr. Don Kurzman, of the Washington Post, who for quite some time has been active in this area, and has been writing in great detail and with great interest about what is happening in Brazil.

Castro's radio broadcasts state that Juliao is located in the jungles of Brazil. Those broadcasts exhort the people of Brazil to follow Juliao in all-out guerrilla activity. It is a fact that he and Leonel Brizola are working together with Cuban support, to carry on the type of terroristic activities which we have seen in Venezuela for the past several years. They have even gone so far as to issue a manifesto, a blueprint of terror, which is reminiscent of the Castro statements in 1957 and 1958, just prior to Castro's takeover of Cuba in 1959.

It is significant that Juliao has been a frequent visitor to Communist Cuba, where he officiates as one of the many Latin American Communists who have established a politburo of subversion in Cuba, just off our shores.

Another Havana visitor and close friend of Fidel Castro is Senator Salvador Allende. Allende is a candidate for the Presidency of Chile. Only recently he announced that, if elected, he would carry out Castro-type agrarian reform measures, and would nationalize financial institutions and domestic and foreign industries.

We all know that Castro's so-called agrarian reform has resulted in causing the country people to work on State farms with the status of slave laborers. We also know that the nationalization of financial institutions and industries has been nothing more than outright robbery. Senator Allende has singled out the Anaconda Copper holdings in that country to head the list of the proposed confiscations in Chile. This U.S.-owned company has supplied thousands of jobs and has been a major contributor to the economy of Chile for almost 50 years. What, we ask, will be the effect on the Alliance for Progress and its noble goals throughout the hemisphere if such confiscations are carried out?

There is a clear and present danger that, sustained politically and materially by the example in the Caribbean, the Chilean Communists may actually take over that country, through the ballotbox, as a result of the infiltration of Communists into student organizations, labor unions, and intellectual groups.

The prospects of such an occurrence have lately tended to rally differing, but—fortunately—anti-Communist, forces around Edwardo Frie, a Socialist-minded front runner for the Christian Democratic Party. Undoubtedly, the fall of the Goulart government has also bolstered Frei's standing and power; and let us hope it has encouraged his supporters to exert even greater efforts.

But even if Frei should triumph—a highly problematical conjecture at this moment—he would have to contend with a large and powerful Communist element, financed through Cuba, which would certainly work to obstruct and thereby discredit any responsible attempts to cope with the gigantic problems of underdevelopment which plague the Chilean people.

Effective and forceful countermeasures against Communist Cuba before the September elections in Chile, however, could permanently serve to isolate and cripple Allende's pro-Communist power and assist the local political leaders who wish to keep Chile free from the Communist virus, which of course means dictatorship and loss of personal liberty.

I should like to say here, Mr. President, for a moment, that Castro is no "do it yourself" subversive. Indeed, without massive Soviet economic aid, estimated at more than $1 million worth a day, there can be little question but that his despotic regime would not have long survived.

But, as we all too well know, Soviet aid goes beyond the necessities of maintaining Castro's economy. It has armed and turned Cuba into a mighty arsenal, second in power in the Western Hemisphere only to the United States.

Much of this Communist-bloc military hardware shipped to Cuba has been found in Castro-inspired and Castro-supported guerrilla camps scattered throughout Latin America.

This activity seeks to fulfill a basic Bolshevik aim, expressed as early as 1920 at the Second World Congress of the Communist International. It read:

> A fundamental task of the Communist International, the accomplishment of which alone will insure world revolution, is the destruction of U.S. imperialism; and this destruction is possible only by means of a gigantic revolutionary movement embracing the whole of the Americas.

As stated earlier, following the recent Brazilian revolution, Brazilian military authorities reported finding an arms cache of 6,000 Czechoslovakian rifles. Soviet made weapons have also been found in Argentina and Venezuela, and, I might add, in Bolivia and in many other countries of Central and South America.

According to an OAS report issued on July 5 of last year the teaching and training of Castro-Communist guerrillas was in the hands "not only of Cubans and other Latin Americans, but also of Russians, Czechoslovakians, Chinese, and others."

This is to say nothing of the tons of Soviet bloc revolutionary propaganda which daily floods Latin America; the hundreds of hours of beamed Communist radio propaganda; the accumulated evidence of Soviet Embassy support for local Communist Parties engaged in activities seeking to undermine and subvert democratic institutions.

The list of particulars in the Castro-Khrushchev alliance could be expanded almost indefinitely. What they show is a solid provable continuing pattern of subversion and attempted activities to overthrow existing governments in this hemisphere.

Even the United States has been subjected to limited infiltration. Castro agents have roamed my native State of Florida, and handbills urging its people "to support the first Socialist revolution in this hemisphere" appears mysteriously, along with other Cuban propaganda fodder which has its origin in Cuba.

Floridians have watched these puny incursions, not with indifference, not with alarm, but with enlightened concern. We know from the Castro experience that it is foolhardy to dismiss these signs as of no importance. For, while it is inconceivable that there exists any great threat of a Communist takeover in Florida or elsewhere in the United States, nonetheless it lets us all know that these enemies of democracy are continuing their tireless efforts to bring about overthrow, disunity and division, not only in the United States, but throughout Central and South America.

Our citizens are subjected to English-language broadcasts from Cuba, "The Voice of Dixie," and the Soviet-Cuban combine continues its efforts to infiltrate the youth of this country. I need mention only the illegal trip to Cuba last summer of 59 so-called American students. Invitations which were sent initially to student groups whose leadership is ideologically suspect, have since been extended to others. Right at this moment, according to Castro's radio, a campaign is underway to send another group of American students to Cuba.

Even as a student in 1948, Fidel Castro looked covetously at Puerto Rico. In 1959, he called the Commonwealth of Puerto Rico an exploited colony of imperialism, which must be liberated. He repeated that charge just last April 19.

Certainly there is little danger at this time that Puerto Rico could ever become another Cuba. This showcase island is politically stable and economically prosperous.

But precisely because of its flourishing free enterprise system and successful political union with the United States, it remains a choice Communist target. Its example helps to offset the effectiveness of Castro-Communist antiyanqui propaganda, and provides dramatic evidence to Latin Americans of the advantages of our system over the near bankrupt totalitarian regime of Communist Cuba.

Thus, Castro communism has made Puerto Rican independence from the United States its primary goal for that island. This has witnessed the wooing by the Communists of leftist student groups; namely, the Pro-Independence University Students' Federation and certain Puerto Rican nationalists.

Prominent among the latter is the wife of nationalist leader Pedro Albizu-Campos and Juan Juarbe y Juarbe. Both journeyed to Havana in 1959 as Castro guests, and have become a part of his subversive apparatus. They are now cloaked with diplomatic protection as members of Castro's mission to the United Nations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may continue for an additional 8 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. SMATHERS. Recently, however, the anti-American campaign has taken an uglier turn.

In late April of this year, Puerto Rican police officials battled a small guerrilla-like band in the Moca Mountains and

captured a cache of arms including rifles, time bombs, ammunition, Marxist-Leninist literature, and an anti-U.S. manifesto identifying the group as the Authentic Puerto Rican Armed Movement or MAPA.

All evidence indicates that it was a Castro inspired and trained outfit typical of those that we have seen emerging throughout Latin America since Castro came to power. The major significance of this group is not its negligible size, strength or influence, but the fact that it represents Castro inspired and supported aggression on what is legally territory connected with the United States.

Regretfully, I have yet to see where our U.S. officials have in any way denounced this effort against Puerto Rico.

It is true that the Government of Puerto Rico can now handle this type of incursion from Communist Cuba, but surely we, the United States, should lodge some protest with the OAS and world opinion against this Communist effort against a free and democratic land. There is another point to the attempt at subversion in Puerto Rico which I would like to touch upon.

Our State Department is building a legal case, together with its OAS partners, by which the efforts at subversion on this hemisphere will be well documented. Presumably, this could then lead to taking whatever action is deemed necessary under the Rio Treaty. Article 6 gives us the authority to deal with subversion. And, of course, it has not yet been invoked.

Certainly, the legal case of the Organization of American States which the State Department is laboriously assembling, should be buttressed by our own documentation of subversion in Puerto Rico.

We must take the lead in the OAS, along with Venezuela, in urging strong sanctions against Cuba and the government of Fidel Castro.

The time has long since passed for issuing only verbal reproofs and moral condemnations. The time now is for more positive action.

The question arises what do we do about it?

It seems to me that we must start now, today, to rebuild the shattered morale of the people inside Cuba, so often hopeful of help, and so often disappointed. We must unequivocally reaffirm the pledge made by our beloved martyred President, John F. Kennedy, who said in a speech to the American Society of Newspaper Editors on April 20, 1961:

> Cuba must not be abandoned to the Communists. And we do not intend to abandon it either.

Later the distinguished President repeated that same pledge in the Orange Bowl in Miami, when he spoke before the so-called invaders who had been a part of the Bay of Pigs invasion, who had been subsequently released, and who were there in the Orange Bowl with their families and some 20,000 other Cuban refugees and 20,000 other citizens of the State of Florida.

We must encourage the people, through constant official declarations of our sympathy and support to continue with heroic resistance over the years which is of such great importance, but so little understood and reported.

I want to mention here the study published recently by the Citizens Committee for a Free Cuba, called Terror and Resistance in Communist Cuba. This is an impressive study which documents the terrible repression employed by Castro's communism and vividly portrays the source of the strength which completely escapes the attention of institutional diplomacy. That strength is the people.

Mr. President, we should indict Castro's Communist regime for crimes against humanity. It should be indicted by the Organization of American States.

The Organization of American States has buttressed the arguments presented by the Citizens Committee for a Free Cuba in its own study of the barbarities committed by Castro in the phony name of reform. If my colleagues, and above all, if responsible people in the State Department, read these two studies, they will be very deeply impressed.

Mr. President, if we are to lead this hemisphere in the name of justice and morality, it is absolutely mandatory that we unmask Castro's regime for what it is—a cruel and oppressive despotism—and that we indict him before the Organization of American States, and that the OAS thereafter find him guilty as charged.

Having done this, we will have shown the peoples of Latin America that Uncle Sam is not just a talking liberal, but a practicing liberal, who can be counted upon to commit that liberalism to the defense of the personal liberties of others who live in this hemisphere.

Having reestablished our position clearly and firmly in this respect, I believe we must then recognize a Cuban government in exile. I called for this recognition in 1960, in 1961, in 1962, in 1963, and now in 1964. It seems to me this is the only practical way of unifying the Cuban exiles, channeling their efforts into a totality, directed against their common foe of communism and Castro in Cuba.

If we recognize a free government of Cuba in exile, we can then assist it under the terms of all the treaties we have previously signed—and there are seven of them—and we can stand solidly on the firm ground of our tradition—that of assisting men who want freedom in their country to get it. Under the format of a Cuban government in exile, we would be assisting Cubans versus Cubans—those who believe in freedom on one side supported by their friends, opposing those who stand for dictatorship and their friends on the other side. This is the position we have always historically taken. This is the position, I believe, we are taking in South Vietnam today. If it is logical to take position 8,000 miles from home, it is 8,000 times more logical in the Cuban situation here in our own neighborhood, in our own hemisphere.

Mr. President, as I am speaking here today, gallant Cuban exiles are risking their very lives in an effort to liberate their homeland from the iron grip of Communist tyranny.

The daring raid of the Cuban exiles led by Manuel Artime on the port of Pilon in eastern Cuba destroyed a sugar factory valued at $2¼ million.

Mr. GRUENING. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent to continue for another 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SMATHERS. Let me complete this thought, and then I shall yield to the Senator from Alaska.

Mr. JAVITS. Mr. President, reserving the right to object, will the Senator give us an indication as to the total amount of time he will need?

Mr. SMATHERS. Ten minutes more.

Such activity on an intensified scale could deal Castro's ailing economy a lethal blow. It could also serve to inspire the oppressed Cuban people with renewed hope and determination to strengthen internal resistance to the Caribbean tyrant.

Now I yield to the Senator from Alaska for a question.

Mr. GRUENING. I have been listening with great sympathy and interest to the Senator from Florida. When the raid which resulted in the destruction of the sugar mill took place, I took occasion at that time to praise and encourage the Cubans and express the hope that this administration would not follow what seemed to be the mistaken policy of the Kennedy administration in preventing Cubans from making raids. I do not think it is proper for the United States to take part in them, but I do not see why Cuban exiles should not have the right, at their own risk, to try to liberate their own country.

I hope the Senator from Florida agrees with that thought.

Mr. SMATHERS. I totally agree with the Senator from Alaska on that point. On occasions in the past he and I have taken identical positions, that we should let free Cubans fight for freedom in their homeland, and to operate, not necessarily from the United States, but from other lands in this hemisphere.

Mr. GRUENING. I hope the policy taken mistakenly by the Kennedy administration will not be readopted by the Johnson administration. I think what the free Cubans are doing as has always been done in the great American tradition, should be encouraged, although we should not take part officially in such raids.

Mr. SMATHERS. I thank the Senator.

It is significant that Artime's raid occurred during this month of Cuban independence. It emphasizes that freedom from hostile and alien rule is once again the cherished goal of Cuban patriots and that once again they need our help if they hope to succeed.

In 1898 the Congress of the United States recognized that the Cuban people "ought to be free and independent."

Now more than ever we must reaffirm that historic resolution and aid the Cuban exiles in every way consistent with our own laws and consistent with the treaties in which we have entered with other nations, to insure the operation, efficiency, and success of these efforts of Cubans to achieve the freedom of Cuba once again.

In this respect, Mr. President, I would like to call the attention of my colleagues to a remarkable document presented to the Organ of Consultation of the OAS. Written by distinguished Cuban jurist and economist, Juan Andres Lliteras, and by Guillermo Belt, who, I will remember, served as Ambassador to the United States from Cuba, this document eloquently and firmly pleads the case of the Cuban exiles and asks that they be provided with assistance to help liberate their captive homeland. The authors state:

We come, in brief, to request from your Excellencies that either the Allies of Cuba acknowledge the right of the Cuban people to demand protection under the terms of the Treaty of Mutual Assistance of Rio de Janeiro (1947), and other solemn pronouncements of the American States, made prior to and after the said treaty; or that such rights be denied and repudiated outright, that the peoples of the Americas, as well as our own people, may know once and for all what the future of our Alliance holds for them.

Because if the great American Alliance is invalid for Cuba, it shall likewise afford scant comfort to any other American nation. If events have brought us to so sorry a pass that we are forced to admit that when a free American nation is drawn into the whirlpool of communism—when the iron curtain falls around it—such a nation can expect no relief and must be given up for lost due to the "complexities of the cold war"; then it is preferable, excellencies, to acknowledge the failure of "collective defense" and leave the several States to search for salvation by such means as may be open to them or, at least, to permit them the opportunity to buy time and attempt to prolong their agony, in the hope that unexpected events may afford an opportunity to escape the fate of the Cuban people.

It is useless, in fact dangerous, to continue to close our eyes to reality, gentlemen. The Americas are falling into a state of profound apathy. The rhythm of labor, investments, business and credit, far from responding to the powerful stimuli of the Alliance for Progress, is on the downgrade and threatens to stop altogether, like a tired heart.

The breath of faith and future hope that has always urged our peoples forward is slowly being extinguished with each passing day. The men of America, struggling to extricate themselves from the quicksands of communism, seem to have lost all confidence in the value of individual effort. Stormy winds of rebellion are blowing upon the impoverished and desperate masses, and the time is not far when any solution, bad as it may be, shall appear preferable to the paralysis which is overcoming us all.

And they continue:

It is clear, therefore, Excellencies, that if the problems of the cold war as it has been affirmed, do not allow the great powers to take effective action, even in the face of such fateful dangers, the people of Cuba should at least be allowed to fend for themselves.

Let them not be hampered in their struggle for freedom, as they are at present; let their ships and armaments not be apprehended and confiscated, under the pretext of violating alleged neutrality laws, which deny the most sacred tradition of the American nations, none of which, it must be remembered, achieved independence without foreign aid. Let the rest of the American States, if they insist, not become directly involved, until it is their turn to come under attack. But let them at least provide the necessary bases, resources, and implements of war to the courageous men who, in Cuba and abroad, are fighting an unequal battle with the forces of evil.

These two distinguished authors then cite ample legal and historical precedent for aiding the exiles based upon solemn American treaties, doctrines, and declarations.

Some of these pledges, such as the Declaration of Independence, which established the American tradition that all people have the right to rebel against tyranny especially if it is imposed from abroad, and the Monroe Doctrine, constitute unique and historic American precepts which are deeply rooted in our heritage. Others of more recent origin were incorporated into the inter-American system when nazism menaced our survival and as Communist imperialism replaced that totalitarian threat against this hemisphere with its own.

These pronouncements include the "no transfer" principle which was incorporated into the Declaration of Havana in 1940 as part of inter-American law, and the Mutual Assistance Treaty of Rio de Janeiro, 1947, which categorically states:

If the inviolability of the integrity of the territory or the sovereign or political independence of any American State should be affected by an aggression which is not an armed attack, or by an extracontinental or intracontinental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression—

Clearly the oppressed Cuban people in this instance—

or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the continent.

Also of great importance is the joint resolution of the Congress of September 26, 1962, passed less than a month before Khrushchev threatened us with nuclear missiles from Cuban soil. This resolution expressly commits the United States to "work with the OAS and freedom-loving Cubans to restore self-determination to the Cuban people.

We can best give substance to these words while avoiding the dangers of escalation by backing the Cuban exiles. Failure to do so will only lend credence to Communist claims that we are a clay giant that cowers when challenged to action.

So long as we fail to uproot this evil on our doorstep, that much longer will our anti-Communist resolve be questioned by our allies around the world.

For if the United States can permit the brazen Russians to consolidate unchallenged a Soviet bastion on its very shores, how can the scattered peoples of the free world believe that we will protect them?

Indeed, American inaction on the Cuban front can only promote the trend toward neutralism and thus weaken our alliances and endanger our outposts on the periphery of the Communist world, as well as our cause in the Americas.

The weak countries of Latin America look to us for help and guidance. But if the United States appears unwilling to fight the forces of evil here in our own hemisphere, how can we expect to maintain their confidence and respect elsewhere?

Drs. Lliteras and Belt sum up their petition to the Organ of Consultation as follows:

We respectfully request that the American States, the friends and allies of Cuba here represented, clearly express:

1. That the Cuban people "are and of right ought to be free and independent"; that they, in fact and in law, are entitled to rebel against the Communist tyranny which has subdued their country; and in the words of the Rio Treaty, proclaim once more as a manifest truth: (a) That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals; (b) that juridical organization is a necessary requisite for security and peace; (c) that peace is founded on justice and moral order; and (d) that peace rests on the international recognition of human rights and freedoms and effective democracy.

2. That any and all American nations are legitimately entitled, under the right of self defense, to provide the Cuban forces engaged in the war against communism, both within and without the territory of Cuba, with whatever resources may be necessary to carry on the struggle, until the foreign invaders are thrown back to the sea.

3. Their individual and collective determination to put an end to Communist penetration in the Americas and to prevent all access of arms and strategic materials to the Cuban totalitarian regime; especially such fuels as may contribute to the operational capability of planes, ships, and ballistic missiles concentrated in Cuba now threatening the democratic governments of the other American States.

4. That all means of communication with the Cuban Communist regime, whether by air or by sea, including cable and financial services, be cut off by the rest of the American Republics for the purpose of putting an end to the illegal traffic of agents, arms, money, and propaganda, presently employed by international communism to undermine the democratic institutions of the nations of this hemisphere.

5. That all recognition shall be denied to the Castro Communist regime in Cuba, culpable of violating all treaties and civilized laws, so that it may not cynically pretend as heretofore to seek protection under the laws which it denies and vituperates.

6. That the nations of the Socialist bloc be warned that the free peoples of this hemisphere do not countenance and shall not tolerate Communist protectorates in the Americas, and are resolved to see all foreign troops and armaments removed from Cuba, without further delay.

Since the Communist military presence in America cannot fail to be regarded but as a hostile act against all the States of the regional community, the Socialist bloc countries should clearly understand that further insistence in holding or extending their beachhead in this hemisphere is incompatible with normal diplomatic relations with the American Republics.

Mr. President, I regard these as minimum conditions for the protection of this hemisphere, and through extending that

protection, the security of this great Nation of ours. The only absolute in foreign affairs is the premium which is placed on initiative. We here in the United States must regain that initiative. If we have the will we can do so, and we should do so, in the name of justice and humanity.

THE MARYLAND PRIMARY ELECTION RESULTS

Mr. BEALL. Mr. President, I should like to make a few observations regarding the Maryland primary election held yesterday, and Governor Wallace's candidacy in particular.

The Wallace candidacy in Maryland obviously gave a good many people an opportunity to voice a protest on any number of matters. But after all is said and done, nothing has really been changed. I do, however, believe that the American people are anxious to get on with the business of the country. The situation on the Senate floor today is certainly not in the best interests of the Nation. It is imperative that the majority party live up to its leadership responsibilities and bring this matter to a final determination. There are many vital matters awaiting action by the Congress.

It has always been apparent that the civil rights bill needed improvement and it appears that appropriate amendments are in process on which there is general agreement.

I firmly believe that it would be best for Congress and the Nation to get this issue behind us.

REPUBLICAN CITIZENS COMMITTEE'S CRITICAL ISSUES COUNCIL—BALANCE OF PAYMENTS REPORT

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a summary as well as the full text of the latest report of the Republican Citizens Committee's Critical Issues Council, entitled "The Balance of Payments: A Time for Fundamentals." Whatever the individual differences may be with the council's report, it richly deserves the attention of the Senate.

There being no objection, the summary and report was ordered to be printed in the RECORD, as follows:

SUMMARY

The Republican Citizens Committee's Critical Issues Council, headed by Dr. Milton S. Eisenhower, today recommended vigorous action to halt the balance-of-payments deficit which is draining the Nation's gold resources and sapping the strength of the dollar—a process that "threatens the welfare and security of every American family."

The council believes that the balance-of-payments problem will get worse in the months ahead. While acknowledging that the deficit has temporarily diminished and gold losses have abated, the council expressed concern that this welcome improvement may lull the Nation into a false sense of security and diminish the determination to correct our payments deficit.

The report states that the present improvement, due largely to the administration's proposal to tax American purchasers of foreign securities, is not likely to continue. The uncertainty surrounding the tax has halted practically all new issues of such securities, but the council warns that many foreign borrowers are preparing to float new issues as soon as Congress decides the exact terms of the interest equalization tax.

The report, the sixth in a series by the Critical Issues Council on important foreign and domestic issues, was prepared by a task force chaired by Dr. Henry C. Wallich, professor of economics at Yale University and former member of the President's Council of Economic Advisers.

Other members of the task force were: Mr. Elliott V. Bell, editor and publisher of Business Week magazine; Dr. William Fellner, chairman, Department of Economics, Yale University; Dr. Neil Jacoby, dean, Graduate School of Business Administration, UCLA, and former member of the President's Council of Economic Advisers; Mr. Clarence Randall, retired chairman of Inland Steel; and Mr. Frazar B. Wilde, chairman, Connecticut General Life Insurance Co.

The continuing deficit—the result of spending more abroad than we take in—is undermining the financial, political, and even the military leadership of the United States, the Republicans declared, in demanding that the problem receive top priority. The administration's efforts to meet the problem have produced only stopgap measures, and a further delay in attacking the basic problem could court disaster, they warned.

Briefly summarized. the situation is this: Ten years ago, the United States owned $22 billion in gold. Our liabilities to foreigners who might demand gold from us amounted to no more than $10 billion. Today our gold holdings are down to $15.5 billion, and our short-term liabilities have risen to $21.3 billion. If foreigners were to demand the maximum of their claims on American gold, we as a nation would be unable to pay.

Our principal need, the council continues, is to increase American exports as far as world markets will permit, in order to raise our international receipts; in short, to reverse the trend of paying out more than we are receiving from abroad. Despite the fact that our expenditures have exceeded receipts by an average of $2.5 billion for the last 6 years, the administration has thus far not given American exporters the support they need to hold America's share in world markets, let alone expand it.

As a remedy, the council urges adoption of a constructive program whereby the United States must:

(1) Expand exports by a series of measures requiring major action.

(2) Cope with the outflow of capital by creating an environment conducive to home investment.

(3) Explore every possibility of reducing the costs of keeping our military forces abroad while adhering to our commitments. To this end we must become more effective in persuading our allies to honor their own military commitments and to assume their proper share of the common defense burden.

(4) Tighten up foreign aid procedures by becoming more selective in our choice of recipients.

(5) Reform the international financial system without destroying the role of the dollar as the world's leading currency.

In urging allout effort to expand America's exports, the council contends that we should not be misled by our present surplus of exports over imports. In 1963, for example, the export surplus was $4.9 billion, but of this amount, $2.7 billion was financed by U.S. Government loans and grants. Thus the surplus in commercial exports was only $2.2 billion.

To expand exports the council urges action to achieve these objectives:

Keep prices and wages competitive.

Bargain down foreign tariffs and other trade restrictions.

Provide better insurance for credit risks run by exporters.

Promote American goods more effectively.

Study means of providing the same tax incentives to exporters that our competitors have.

On the matter of wages and prices, the council says: "To become more competitive, American business must keep price increases to a minimum and where possible should reduce prices.

"Labor's interests in higher employment will best be served by wage demands that recognize the need both to keep prices competitive and to help absorb the unemployed.

"If the tax cut produces renewed inflationary pressures, as seems quite possible, interest rates will tend to rise and should be allowed to have their restraining influence on prices."

THE BALANCE OF PAYMENTS: A TIME FOR FUNDAMENTALS

The strength of the dollar has been sapped by years of deficits in the balance of payments. Gold losses have been heavy and short-term debts have mounted sky high. This insidious process threatens the welfare and security of every American family.

Common concerns, ranging from the price of a cup of coffee, to a young man's prospects for a job in an exporting industry, and to the Nation's ability to hold communism in check are equally affected if stronger action is not taken. It would not be responsible to assume that this action can be avoided simply because, for a few months, we have enjoyed a reduction in the balance-of-payments deficit attributable mainly to temporary factors.

The balance-of-payments drain goes on almost invisibly, like a cancer. The fact that since 1953, our gold reserves have dropped from $22 billion to $15.5 billion, and that foreign countries have, within a few years, accumulated claims against us of over $21 billion that would wipe out the remainder if they decided to cash them, becomes apparent mainly to the readers of financial statistics. Unemployment, recession, and inflation are seen by everyone. That is why many people believe that the problem of gold and the balance of payments are too complicated to form an opinion about. Yet in principle they do not differ from those of the family and its checking account, which the balance of payments closely resembles.

The balance of payments, like the family checking account, is the record of all receipts and payments in dealing with the outside world. Receipts from exports, from investments made abroad, from sales of securities abroad, and the like are the counterpart of the deposits that the family makes in its account. Payments for imports, for new investment abroad, foreign aid, and American troops abroad are the checks that are drawn against it. Our gold stock is the balance in the account. Because our receipts have been less than our payments, we have been drawing down this balance for so long and at such a rate that the remainder is approaching the peril point.

A family may live comfortably and in complete ignorance of what is in store while its head improvidently runs down the bank balance. The same can happen to a nation that runs down its gold supply. After a point, the inevitable consequence is a disruption of its foreign trade, unemployment, perhaps inflation. If that nation is the United States, even more than economic health is at stake. The entire world depends on the dollar. The dollar is used for international reserves, to finance trade, and as a basis for many long-term contracts. If the dollar should fail, the world economy would totter. In that event one thing is sure: the political and military strength that the United States historically has drawn from

its powerful financial position will be badly shaken. It is still possible to prevent this if the right measures are taken.

Our situation calls for action. The administration predicted some time ago that the payments deficit would be cured by the end of 1963. The large deficit incurred in 1963 of $3.3 billion shows how completely it has misjudged the situation. By threatening to tax foreign borrowers in our markets retroactively the administration has temporarily brought new borrowing to a halt. This has produced some welcome relief during the last months of last year and the early months of the present, which cannot be expected to continue, however, once the legislation has been decided on and foreign borrowers know what tax they may have to pay.

In addition, the administration has resorted to bookkeeping devices and temporary expedients, such as asking France, Germany, and others to prepay debts they owe us, and these have made the deficit look smaller. It has succeeded in papering over some of the gaps by increased borrowing abroad, which has slowed the gold outflow. But the Government's own statistics show that the hole in the accounts continues large.

What should be done? The answer is the same that the head of a family must give under similar circumstances. Either he must earn more, or the family must spend less. To begin with, the family must take a hard look at its budget.

The summary of our international receipts and expenditures shows that our accounts fundamentally are quite simple (see appendix). The bulk of our international receipts comes from exports—($21.9 billion in 1963). Another good sized amount comes from earnings on our foreign investment—($4.6 billion). The remainder represents various services ($4.5 billion), repayment of loans owed to us ($1 billion) and investments made here by foreigners.

The largest single part of our international expenditures goes for imports ($17 billion). The rest is divided among private capital exports ($4.1 billion), military expenditures ($2.9 billion), foreign aid ($4.5 billion), tourism (over $2.5 billion), and some lesser items. Expenditures have exceeded receipts by $2.5 billion on the average of the last 6 years, even after counting as regular receipts the prepayments of foreign loans, which cannot go on much longer. Excluding such special transactions the deficits have averaged between $3–4 billion annually. Of the accumulated deficit, over $7 billion has been paid in gold, and over $10 billion by incurring short-term debts to foreigners.

The figures make clear why action is urgent. We cannot allow a large balance-of-payments deficit to continue because we shall run out of free gold while foreigners will become unwilling to hold more dollars. After that, we shall have to invade the $12.5 billion of gold set aside as backing for our currency. Fortunately, several lines of action are available, if we have the sense and determination to pursue them.

First, it must be clearly understood that no single part of the balance of payments can be held responsible for the deficit. The deficit could be removed by increasing our receipts or by reducing expenditures. Increasing receipts would be the better way, to the extent that it can be done by measures in keeping with our free market principles.

Some particular expenditures, especially foreign aid and private capital exports, have gone up more sharply than others, since the payments deficit began. It would be a mistake to take for granted, however, that what has gone up most must be cut most drastically. If the milk bill crowds the budget it may be cigarettes that have to yield. The criterion must be the usefulness of the expenditures. All items must be looked at as possible candidates for a cut.

Finally, in devising a plan for curing the payments deficit it must be remembered that many of the items in the balance hang together. It is difficult to remove one stone without unsettling some others.

If we cut imports, for instance, by higher tariffs or by imposing quotas, we shall almost certainly encounter retaliation. Since we sell more than we buy, we would be at the losing end of that exchange. The same is true, in varying degrees, of foreign investment, military expenditures, and foreign aid. They all generate American exports, directly or indirectly. Cutting them means some loss of exports, although by a lesser amount. We may need to reduce all these outlays, but the net gains will never be 100 percent.

Hard choices will have to be made. Time is pressing upon us on two fronts. At home, the balance-of-payments deficit limits freedom to use monetary policy and the other tools the Government must use in the event of economic deterioration, to stimulate higher production, employment, and growth. The longer the balance-of-payments deficit is dragged out, the greater is the danger that we may be unable to pursue the kind of monetary policy that is suited to domestic conditions. Abroad, the dollar is under scrutiny. We cannot indefinitely go on talking and not showing results.

Financial devices will not get us out of the hole. Our fundamental strength would justify long-term borrowing abroad, if markets can be found for appropriate American securities. But the continued rapid buildup of dollar holdings in foreign hands, against which foreign governments can demand gold at any time, threatens to undermine the dollar.

Neither can we pin our hopes on the creation of some new superbank. We can get nothing out of such a bank that our present creditors are not willing to put into it and that they could not lend us without it. Nor would it be wise to surrender to a superbank the wide powers over domestic financial affairs that it would require to be workable.

We must solve our problems by our own actions. When that job is well in hand, there will indeed be need for new international credit facilities. When the United States stops spreading dollars throughout the world, some of the present beneficiaries of this spending will feel pinched. To keep world trade flowing, the existing international monetary mechanism will have to be strengthened. These new facilities have little chance of coming into being, however, unless the United States makes clear to the world that it does not propose them simply as a means of financing our present payments deficit. Our balance of payments and world financial reform are separate problems.

THE SIZE OF THE JOB

In designing an acton program to cure the balance-of-payments deficit, an idea is needed of the magnitude of the job. Stripped of embellishments, the deficits of the last 6 years have been of the order of $3 to $4 billion annually. An improvement of $1 to $2 billion may be achieved by the combined effects of the interest equalization tax, which is to be levied on the amounts foreigners borrow in our capital markets as well as on foreign securities purchased by Americans, of an increase in interest rates that has already taken place, and of trying foreign aid and military expenditures abroad to American exports. The administration has said that, after these measures take effect, a gap of only about $1½ billion would remain to be closed. In fact, the remaining gap may still be of the order of $2 to $3 billion.

But the administration's measures are stopgaps. They are out of keeping with the free market philosophy of our private enterprise economy. Our position must be improved sufficiently, therefore, not only to close the remaining gap, but also to permit the progressive dismantling of the stopgap devices.

The exact magnitude of the needed improvement cannot be stated. It depends on how high a level of military expenditures and foreign aid must be continued. It also depends on how flexible an interest rate policy we aspire to. Because of the ease with which capital now flows abroad if rates there are higher than ours, we may never again be able to attain as low a level of interest rates as at some periods of the past, unless rates abroad also decline. It is clear, however, that the improvement in the balance of payments that is needed if our free market principles are to prevail is much greater than the administration now seems to envisage.

If private foreign investment, foreign aid, military expenditures, and tourism are not to be cut back, the improvement in the balance of payments would have to come mainly through a higher trade surplus and higher income from foreign investments. We must ask ourselves very seriously whether this solution will be acceptable to our trade partners. Our trade surpluses and investment income are other countries' trade deficits and investment service. Both are apt to arouse resentment. Although the rest of the world would be receiving an adequate flow of dollars through our other payments, the balance of trade and the service of foreign investments are often regarded separately. They may then become a source of political agitation. A U.S. balance of payments heavily dependent upon a large trade surplus and a large investment income may be vulnerable. We shall presently see that our existing trade surplus is much smaller than appears, but the political problem it poses must be watched.

PROPOSALS FOR ACTION

In pressing for action, we need not tie ourselves to a rigid goal of perfect balance. All countries find their balance of payments fluctuating. The United States can in the long run very well afford small payments deficits if there are also occasional surpluses. But we must rapidly get to the point where these surpluses are within reach if international confidence in the dollar is to be maintained.

1. Exports

Exports are the mainstay of the U.S. balance of payments. As far as possible, the payments deficit must be removed by an expansion of exports, along with increases in other receipts.

American exports have not kept pace with expanding world trade. Our share of exports of manufactured goods declined from 26 percent in 1953 to less than 20 percent in 1962. The United States has been displaced by Germany as the leader in the world market for manufactures. Our competitive ability has not weakened quite as much as these facts would suggest because part of the drop has resulted from the economic difficulties experienced by Canada and Latin America, our principal customers. But the fact remains that American export prices of manufactures rose by 22 percent since 1953, while those of Germany rose only 6 percent and those of Japan declined by 11 percent.

In the last 2 years, the cost of living in many countries has gone up faster than in the United States. This, however, has not yet had the favorable impact upon American exports that might be expected. It would be quite irresponsible to gamble on continued inflation abroad to bail us out.

We must not be misled by references to our sizable surplus of exports over imports. In 1963, the export surplus amounted to $4.9 billion. But of this impressive amount, $2.7

billion was financed by U.S. Government loans and grants. The commercial exports surplus therefore was only $2.2 billion.

To accelerate exports, a variety of measures are appropriate.

a. Major action

I. Pay and prices: To become more competitive, American business must keep price increases to a minimum and where possible should reduce prices. Labor's interests in higher employment will best be served by wage demands that recognize the need both to keep prices competitive and to help absorb the unemployed. Foreign competition and a constructive, vigorous antitrust policy can help to hold the price line. If the tax cut produces renewed inflationary pressures, as seems quite possible, interest rates will tend to rise and should be allowed to have their restraining influence on prices.

II. Trade Expansion Act: Every effort should be made to bargain down the tariffs that increasingly hamper access of American manufactures and farm products to European markets. Quotas and other nontariff restrictions in our trade must be eased. While the Trade Expansion Act has been grossly oversold as a means of curing the balance of payments, some benefits are obtainable if we bargain effectively. No concessions should be made on American tariffs without adequate compensation. The possibility of establishing worldwide rules against dumping should be explored.

b. Other measures

We should take the following lesser actions that in the aggregate nevertheless will help substantially.

I. Improve export credit insurance: Recent improvements in the insurance against credit risks available to exporters still are inadequate to match European facilities. While there are limits to the sound insurance that can be written, these probably have not yet been reached.

II. End discriminatory freight rates: At the present time, American exporters pay higher freight rates, even on American subsidized ships, than similar products that are being imported. Strong efforts should be made to rectify this discrimination.

III. Step up trade promotion: Present activities of the Department of Commerce should be strengthened. The dollar will not be saved by promotion and exhortation, but since the Government is in effect paying a subsidy of as much as 50 percent when it requires the Defense Department to supply the needs of our overseas troops by procurement in this country, some further efforts on behalf of private exports are justified.

c. Action for study

Tax rebates: Studies should now be undertaken to find ways of rebating the corporate income tax as other countries rebate their turnover taxes. Many foreign countries rebate to their exporters the purchase and turnover taxes they impose upon domestic trade. In turn they impose these taxes upon goods they import including U.S. products. The United States has no such arrangements, because we do not levy this type of tax. Our corporate income tax does not qualify for rebate under the present rules and national legislation. To develop a suitable approach that will not make us vulnerable to retaliation will require careful study, and this should be undertaken.

2. Private foreign investment

American investment abroad should be interfered with as little as our payments position permits, because in the long run it strengthens the balance of payments. Measures that must be taken to restrain excessive outflows should be in keeping, as far as possible, with free market principles. Currency controls to limit the free movement of dollars would destroy the international role of our money and must be ruled out absolutely.

The administration has failed to cope effectively with the outflow of American capital, and such improvised measures as it has taken have been of a sort to undermine free market principles and injure our role as the world's leading supplier of capital. The $4 billion income from our foreign investments of all kinds owned by Americans is our second largest source of international receipts. During the last 3 years this income has been rising at a rate of close to $400 million per year. This increase is one of the most hopeful factors in the balance of payments.

Nevertheless, the pressure of the payments deficit has become so great that the administration has proposed and the Congress may enact legislation to limit American long-term investment abroad, which in recent years has been proceeding at a rate of $3 billion annually. To this end it has proposed a tax on the purchase of foreign securities, referred to as the interest equalization tax. The tax is to discourage new foreign borrowing in the American capital market as well as the purchase by Americans of outstanding foreign securities. It aims to give short-run relief from the capital outflow at the expense, however, of greater income foregone in the future.

Since some of the principal foreign countries are to be exempted, while others may decide to borrow despite the tax, the effectiveness of the measure is dubious. The outflow of capital could have been more effectively restrained by limiting individual new issues, through an institution known in other countries as a capital issues committee. Either device, however, represents an infringement of free markets. That we should be driven to these sorry expedients shows the deplorable state into which our affairs have been allowed to drift.

More in consonance with free markets, as a means of limiting capital outflows, is an increase in interest rates. The administration has already raised interest rates on short-term money, which seems to have succeeded in reducing the outflow of that type of funds. Short-term rates are not believed to have much of an effect upon domestic employment.

A rise of interest rates on long-term capital would probably have more of an impact on the domestic economy, especially on housing, although the effects are often exaggerated. How firmly a rise in long-term rates would discourage foreign borrowers is debatable. They may decide to pay the higher rates, just as they may decide to pay the interest equalization tax proposed by the administration. Long-term rates are likely to press upward in any case if the tax cut stimulates the economy. In the face of a continued payments deficit and of a strong business climate, this tendency should not be resisted.

The most profitable part of our foreign investment is direct investment by American corporations in foreign subsidiaries. The Congress has rejected an earlier proposal by the administration to curtail this type of investment by means of tax changes. The legislation would have compelled American parent companies to pay U.S. corporate income tax on the income earned by its foreign subsidiaries even when no dividends had been received from the subsidiaries.

At the time this legislation was discussed, the administration was still predicting that the payments deficit would be ended in 1963. On that basis, it would have been unwise to impose higher taxes upon direct foreign investment. It would be unwise even now that earlier hopes have faded. It is not certain, however, that we shall be able to afford this posture indefinitely. Like all other outlays, direct private investment abroad may have to carry its share of the burden of adjustment, if conditions require. Meanwhile we must do what we can to encourage foreign capital to come to the United States in larger volume.

3. Military expenditures

The Nation's defense, including the number of American troops stationed abroad, must be governed by military considerations. The defense of the dollar, however, is in a very practical sense part of our grand strategy. A weak dollar would weaken the United States economically and politically, therefore militarily. Without adequate international reserves, the United States might have difficulty conducting even a brushfire war in some remote part of the world.

The United States has enough resources to defend itself without help. It has the resources to defend the entire free world only if it receives appropriate help and support from its allies. It cannot defend its allies unless they are willing to share the burden to an important degree. So far, none of our NATO allies has met its full commitment to the common cause.

The need for American troops in Europe, where more than half of our foreign military expenditures are made, is discussed by another task force of the critical issues council in the statement on the Atlantic alliance. The Atlantic alliance task force concludes that NATO forces perform an essential function and must not be reduced.

Nevertheless, the United States must seek out all possible means to reduce the balance-of-payments cost of our forces abroad without weakening our military or political posture.

Some relief has been achieved by means of agreements under which some of the countries where American troops are stationed purchase American military equipment and so increase our exports. By procuring supplies for our troops in the United States instead of abroad, further savings are being achieved, sometimes, however, at exorbitant budgetary costs. Together these measures have reduced the balance-of-payments cost of our military expenditures abroad in 1963 from $2.9 to $2.2 billion. We must continue to press our allies, whose economic resources are rapidly rising, to accept a larger share of the common defense burden.

FOREIGN AID

The balance-of-payments cost of foreign aid must be further reduced. We must become more persuasive with our allies in urging them to share the burden of foreign aid. Aid to the countries bordering upon the Communist bloc should be administered in terms of the political and military problems involved. Foreign aid has to its credit one outstanding success: The saving of Europe through the Marshall plan. Most of what has come since has been anticlimactic. Foreign aid has not prevented many recipient countries from becoming increasingly unfriendly to us. Foreign aid has not produced rapid economic development in the world. It is likely, however, that without aid developments, particularly in some countries bordering upon the Communist bloc, would have been even less favorable to the United States.

The bulk of our total military and economic aid goes to the border areas around the Communist bloc. These present more of a military and political problem than an economic one, and aid to them should be treated in those terms. Aid to countries not directly menaced by communism should be given only in clear recognition of the following basic principles:

(a) The bulk of the resources and effort needed for a country's development must come from within that country.

(b) Only in a limited number of cases can the United States give enough aid to a country to induce it substantially to alter its national policies.

(c) The benefits to the United States must primarily come from the enduring impact

that aid programs have upon people, institutions, and their hopes for freedom, rather than upon the day-to-day decisions of local governments.

Military end items, which account for about one-quarter of total aid, and farm products shipped under the food-for-peace program which account for about one-third as well as Export-Import Bank loans, do not directly affect the balance of payments. Other aid must be increasingly tied to U.S. sources of supply. The administration deserves credit for continuing efforts in this direction that were initiated in 1959. It should be possible to reduce eventually the balance-of-payments cost of all forms of aid to less than 20 percent of the total outlay.

We must insist with our allies that their aid efforts be stepped up. Some of them give a larger share of their income than the United States does, some of them give on generous terms. But almost all fall short of what their present wealth would allow in combined volume of aid and generosity of terms.

IMPROVING THE INTERNATIONAL FINANCIAL SYSTEM

Our No. 1 priority must be to cure our balance-of-payments deficit. On no account must we give grounds for the suspicion that we are seeking to avoid this basic necessity by seeking unlimited credit facilities or by tampering with the gold value of the dollar. The administration should reject emphatically proposals of that sort made in the so-called Brookings Report sponsored by the President's Council of Economic Advisers.

At the same time, improvements in the international financial system are in order. These should be negotiated with the clear understanding that they will not be used to patch up our balance-of-payments situation.

Present efforts to establish credit facilities with foreign central banks and treasuries should be continued and expanded. They can form an important part of the international financial system of the future. They do not adequately make use, however, of the true credit potential of the United States. Since private American investors are acquiring foreign assets at a rate of several billion dollars annually, it would be perfectly sound credit practice for the United States to do some long-term borrowing in the capital markets of foreign countries. This would spare foreign countries the inflationary expansion of their currencies that now occurs when they finance our deficit by acquiring dollars.

Such operations could not be large, because capital markets abroad are too narrow to accommodate large-scale borrowing. The Treasury moreover may have to be authorized to pay interest rates in excess of the statutory 4¼-percent ceiling that applies to its present domestic bond issues. Despite these difficulties, some easing of our payments problem could legitimately be sought by this route, particularly from countries where we have troop expenditures. The Treasury's present efforts to induce foreign countries to broaden their capital markets are helpful in this context.

We should work toward an increase in the resources of the International Monetary Fund. At the same time, the credit facilities offered by the Fund should be cautiously liberalized. The United States should not be hesitant to draw upon the Fund when necessary.

The possibility of strengthening the international financial system in other ways should be explored. Other countries should accept the burden of letting their currency serve as international reserves. At present, only the U.S. dollar and the pound sterling accept this responsibility. We must arrive at an agreement with the major countries to hold specified ratios of gold and foreign currencies in specified ratios in their reserves. This would safeguard the dollar against sudden large conversion into gold, although it might also impose upon the United States an obligation to pay out more gold. Finally, thought should be given to allowing dollars and other currencies to be deposited with the IMF, subject to safeguards clearly spelled out. This would endow the dollars so deposited with a gold guarantee and would protect the United States against demands for their conversion into gold.

These are highly technical devices that need to be elaborated by experts. Their practical consequences for the balance of payments and the dollar, and therewith for production and employment in the United States, would nevertheless be great.

CONCLUSIONS

The details of the balance of payments are complex, as financial matters always are. The principles are very simple. We have been spending abroad far more than we have been taking in. No country, no business, no family can go on doing this indefinitely. At some point, a halt must be called if financial disaster is to be avoided.

The methods of forestalling disaster are simple, though they are not easy. This statement has endeavored to spell them out. We can increase our receipts, and we can reduce our expenditures. We can borrow if we do it on a sound basis. To increase our receipts is much the best way, but in all probability we shall have to act on more than one front. What we cannot afford to do is to let matters drift. After 6 years of deficits, our gold has been sharply reduced and dollar holdings of foreigners are high. At long last, the balance of payments must have top priority. If we are prepared to give it that, we can cure it.

(NOTE.—Not every member of the Critical Issues Council, its task force, or Republican Citizens Committee necessarily subscribes in every detail to all the views expressed. The council endorses its papers as a substantial contribution to public awareness of current critical issues and to the presentation of positive solutions.)

Appendix—U.S. balance of payments, 1963

[In millions of dollars]

RECEIPTS	
Exports:	
Merchandise	21,902
Military sales	632
Income on investments:	
Government	498
Private	4,067
Income from various services	4,504
Foreign investment in the United States	392
Repayment of foreign loans	974
U.S. Government borrowing	1,112
Total receipts	34,081
EXPENDITURES	
Imports	16,962
Private foreign investment:	
Direct and long term	3,440
Short term	642
Military expenditures	2,880
Foreign aid	4,532
Other (including tourism)	7,088
Errors and unrecorded transactions	495
Total expenditures	36,039
Apparent deficit	1,958
Special financial transactions designed to reduce the deficit:	
Nonscheduled receipts on Government loans	325
Advances on military exports	359
Government borrowing	659
Effective deficit	3,301

Source: U.S. Department of Commerce, "Survey of Current Business," March 1964.

"WIPE OUT POVERTY?"—EDITORIAL FROM THE RICHMOND TIMES-DISPATCH

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled, "Wipe Out Poverty?" from the Richmond Times-Dispatch of May 19, 1964, with which I am in full agreement.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Richmond Times-Dispatch, May 19, 1964]

WIPE OUT POVERTY?

Everybody is against both sin and poverty, but efforts to rid the country entirely of either of these widely distributed disabilities are about as utopian as you can get.

President Johnson has launched a tremendous drive against poverty, and admittedly it seems to be a "natural" for a presidential year. The fact that it is to cost nearly a billion dollars of your and my money during the first 12 months, if the plan is ratified by Congress—and nobody knows how many billions after that—seems not to be troubling many people.

Those billions will have to be raised from inflationary deficit financing. Thus the program will not only increase the national debt to new heights but it will boost the price of nearly everything that the average citizen buys. In the meantime, it is hopefully predicted, poverty will be abolished from the United States.

But hold everything. President Johnson also say he's going to eliminate poverty around the globe. He told the Associated Press in New York last month: "Let there be no mistake about our intention to fight that war (against poverty) around the world. * * * The world must not be divided into rich nations and poor nations."

Let no one accuse President Johnson of not thinking big. On top of the foregoing, he assured Latin American ambassadors and Alliance for Progress leaders in Washington on May 11 that the United States will continue to support the Alliance "until we build a hemisphere of free nations from Tierra del Fuego to the Arctic Circle."

Given the present state of Latin America, with its multiplicity of dictatorships and shaky governments of one sort or another, the notion that this entire area can be turned into a "hemisphere of free nations" strikes one as positively fantastic.

Let's hope the taxpayers of the United States aren't going to be called on to ante up a billion or so a year until all Latin America is free.

In addition to the fact that wiping out poverty, at home or abroad, is something that never has been achieved anywhere in the past, there is the positively harmful effect of branding certain parts of this country—specifically 21 counties in southwest Virginia and vast adjacent regions—as depressed.

Granted that there has been too much unemployment in various southwest Virginia counties, especially those directly dependent on coal mining, the huge area of the Old Dominion and of the other areas of Appalachia that have been officially termed "depressed" may be a long time recovering from that opprobrious label.

This whole antipoverty program is strongly reminiscent of the Roosevelt New Deal, which held that Federal spending was the cure for almost every ill. Of course, New Deal spending didn't end either unemployment or poverty. It took World War II to make an appreciable dent in the huge army of U.S. jobless. Tremendous inflation was an accompanying result.

Apropos of President Johnson's antipoverty drive, the Christian Science Monitor last week interviewed an urban planner and his wife, "only a few months away from West Virginia." Both were against the plan. The husband said, "They don't need more money." He urged that present programs be administered "more honestly and efficiently." His wife added: "I know firsthand the graft and corruption emanating from these federally financed programs." She said she would "favor a domestic peace corps that goes in with high ideals and a low budget."

The fact that one of the major leaders in this whole effort is to be playboy Franklin D. Roosevelt, Jr., Assistant Secretary of Commerce, certainly shouldn't commend the plan to anybody. Also, there is the apparently large role of the Area Redevelopment Administration. We suggest a careful perusal of ARA's record, as set forth in an article by Charles Stevenson in the May Reader's Digest. A more shocking recital of bureaucratic ineptitude and interference with private enterprise would be hard to find.

Also, what of the arguments being advanced by Columnist Henry J. Taylor as to the crucial importance of oil imports in bringing on the depression in the coalmining areas of Appalachia? The Kennedy administration, and now the Johnson administration, accentuate the joblessness in those regions by permitting increased imports of residual oil from Venezuela, Colombia, and Saudi Arabia. There may be some valid arguments for hiking these imports, in competition with coal, in the interests of international trade and at the expense of our own citizens. If so, it ought to be explained from Washington.

And finally, one would suppose that the Lyndon Johnsons—who have allowed tenants on Mrs. Johnson's Alabama lands to live in abject squalor, although apparently satisfied, according to a UPI reporter who visited them—would know that there are thousands of others just like these tenants. They are satisfied with leaks in the roof, cracks in the walls and no toilet facilities. Is a drive by Uncle Sam to give them better facilities with your and my money going to make them happier? If so, why didn't Mrs. Johnson provide her own tenants with these facilities herself?

Poverty is bad, of course. It ought to be reduced to the lowest possible minimum, consistent with the desire of those who suffer from it to be aided, and to aid themselves. But grandiose plans, hatched in an election year, at huge cost to the taxpayer, at the risk of accelerated inflation, and with no assurance that they will work any better than those of the Roosevelt era, leave us as cold as the summit of Mont Blanc in January.

SCHOOL PRAYERS AND CIVIL RIGHTS LEGISLATION—LETTERS FROM FIRST BAPTIST CHURCH OF SUMTER, S.C., AND ARTICLE ON RESOLUTIONS OF GENERAL CONFERENCE OF THE METHODIST CHURCH

Mr. THURMOND. Mr. President, I am pleased to call to the attention of Senators two letters which have been written by the membership of the First Baptist Church in Sumter, S.C., to the President of the Southern Baptist Convention. These letters express the unanimous views of this large congregation on the question of prayers in our schools and also on the proposal that Southern Baptist ministers lobby from their pulpits for passage of the so-called civil rights bill. These two letters reflect the viewpoints of the overwhelming majority of the people in my State. In order that these views may be made known to the Members of Congress, I ask unanimous consent that both of these letters by printed in the RECORD at the conclusion of these remarks.

Mr. President, I also call to the attention of Senators a column, written by Mr. Thurman Sensing, entitled "Methodist Conference Compromises With Evil." In this column, Mr. Sensing points out that the General Conference of the Methodist Church has approved some amazing resolutions which certainly do not reflect the views of the overwhelming majority of Methodists I know in South Carolina and throughout the Southeast. I likewise ask unanimous consent that this column be printed in the RECORD at the conclusion of these remarks.

There being no objection, the letters and the article were ordered to be printed in the RECORD, as follows:

FIRST BAPTIST CHURCH,
Sumter, S.C., May 13, 1964.

Mr. K. OWEN WHITE,
President, Southern Baptist Convention,
First Baptist Church,
Houston, Tex.

DEAR MR. WHITE: On March 25, 1964, the President of the United States, Lyndon B. Johnson, addressed some 150 participants of a Southern Baptist Leadership Seminar in Washington, D.C., In his address, President Johnson called on these Baptist leaders to help bring about congressional approval of the so-called civil rights bill and asserted that the attitudes of Baptist congregations toward civil rights could be changed by "the sermons you preach and the lessons you teach."

President Johnson's unprecedented action is in our opinion a deplorable breach of the constitutional statute of separation of church and state and further serves to enlighten us as to the lengths that power hungry men will go to gain personal and official dominance over every facet of the lives of the citizens of this country. Let it be known to President Lyndon B. Johnson, and all others who read this letter, that we, the members of the First Baptist Church of Sumter, S.C., continue steadfastly in the Baptist heritage that each organized church and each denominational body is free and self-governing and these have no authority over each other. Also, the denominational bodies and the individuals that compose them do not represent the member churches in any authoritative manner. Ours is not a denomination in which policies are dictated from the top down as some would have it.

Further, let it be known that while we have great respect for our church leaders we are in no way bound or controlled by any pronouncement or policies or agencies of the convention. We deplore and deem totally unacceptable any effort on the part of any person, agency, group or elected official to use the Baptist Church to serve the purposes of political gain.

This letter was adopted unanimously by our church in our regular church conference on Sunday, April 19, 1964. It is respectfully submitted in the Christian hope that the leadership of our great Nation under God will give deeper and more thoughtful attention to the relationship of church and state in the future.

Sincerely,

FULTON B. CREECH,
Chairman, Board of Deacons.

FIRST BAPTIST CHURCH,
Sumter, S.C., May 13, 1964.

Mr. K. OWEN WHITE,
President, Southern Baptist Convention,
First Baptist Church, Houston, Tex.

DEAR MR. WHITE: On March 7, 1964, the Philadelphia Inquirer carried an article entitled "Baptist Pledge To Fight Return of Bible Reading." This article was based on the public pronouncement of one Mr. W. Barry Garrett, associate director, Baptist Joint Public Affairs Committee, who said, "The statement puts us on record as opposing any constitutional amendment which will allow the Bible in public schools."

We, the members of the First Baptist Church of Sumter, S.C., do vigorously protest any such statements being made directly or indirectly in the name of the Southern Baptist Convention. We call on you as convention president to let it be known to the aforementioned committee that this pronouncement is not binding on, nor does it speak authoritatively for, any member church in the Southern Baptist Convention.

Further, that this member church does not call for the defeat of, but wholeheartedly supports the principles embodies in the Becker amendment to the Constitution that would permit voluntary Bible reading and prayers in the public schools of this Nation.

This letter was adopted unanimously by our church in our regular church conference on Sunday, April 19, 1964. It is respectfully submitted in the Christian hope that our Nation will soon again be one seeking God's guidance and not tempting His wrath.

Sincerely,

FULTON B. CREECH,
Chairman, Board of Deacons.

METHODIST CONFERENCE COMPROMISES WITH EVIL

(By Thurman Sensing)

As a people who wish to be guided by moral as well as practical considerations, Americans are vitally interested in what the churches have to say about the issues of their time. They do not ask that church organizations be silent concerning contemporary problems, but they believe that these organizations must abide by the same rules of historical truths, factual analysis, and genuine patriotism that guide other respectable groups in the Nation.

This is by way of introduction to the extraordinary and deeply dismaying report issued at Pittsburgh May 8 in the name of the General Conference of the Methodist Church. It is a report that in all likelihood will shock vast numbers of good Methodists who believe that acceptance of coexistence with Marxist evil is betrayal of religious truth and the interest of free men everywhere.

According to the news media, the conference without debate accepted a report from its Committee on Social Concerns that stated:

"It is our judgment that policies of isolation toward mainland China and Cuba should be carefully reexamined to determine whether their continuance will not intensify bitterness, and imprison rather than free the people in those lands from hardships, repression, and authoritarian control."

The report went on to say: "The arms race is immoral, futile, and suicidal. * * * Scripture reminds us (where?) that in the eyes of God the welfare of the human race is more precious than the continued existence of any nation." It also attacked armament that "steadily undermines the foundations of civilization and progressively corrupts the souls of men."

Embodied in this report is a profound defeatism concerning the cause of freedom and subtle argument for surrender.

One wonders where the authors of this report have been the last 20 years. The isolation of Red China and Red Cuba is not

the result of hardness of heart on the part of Americans. Communist China is excluded from the company of free nations because it boasts of its dedication to the destruction of Western civilization, including religion. Many ministers of the Gospel are still rotting in Chinese Communist prisons. But one can be sure that they would not ask for their release if the price to be paid were acceptance of Peiping's monstrous tyranny as a respectable government.

As for Red Cuba, that country cut itself off from decent nations by killing and imprisoning thousands of freedom-loving Cubans and by becoming a satellite of the Soviet Union.

Anyone who doubts that evil is inherent in Red Cuba should read John Martino's book, "I Was Castro's Prisoner." It is tragic that the authors of the church report did not read this factual book by one who spent 40 months in Castro's dungeons.

The statements against national defense are equally appalling. The United States has armed itself not for the sake of being armed—for any extreme militarism. It is a matter of preserving freedom through strength and peace through power. If the American people throw away their arms, they will become slaves of communism. Only our nuclear might has saved this Republic from Soviet attack.

The church report, moreover, is insulting to those Americans, overwhelmingly church connected, who are risking their lives each day in Vietnam and other trouble zones. No one in America wants to spend billions on defense, but Americans had rather spend billions on arms for freedom than spend a cent in tribute to Communist overlords.

Basically, the report appears immoral, for it suggests that Americans should be content with mere coexistence with the enemies of freedom, rather than living for freedom. Jesus Christ gave his life on the cross rather than seek improved relations with forces antagonistic to Divine will. Jesus could have accepted an accommodation with his persecutors, but he refused to do so. The Christian way is to fight manfully against evil, not to condemn resistance to evil.

The course of morality and conscience in our own time is to oppose any subtle argument for surrender to nations and global forces that aim to destroy all freedom, including the freedom to worship.

Just as the National Council of Churches does not represent and speak for 40 million Protestants, as it claims to do, neither is it to be believed that the Methodist General Conference speaks for the 10 million members of that denomination.

U.S. POLICY ON VIETNAM

Mr. THURMOND. Mr. President, I call to the attention of my colleagues several strong and eloquent editorial comments on U.S. policy in Vietnam. I ask unanimous consent, Mr. President, to have printed in the RECORD the following editorials:

"We'd Like the Answers, Too," from the May 16, 1964, Times & Democrat, of Orangeburg, S.C.

"Fighters' Hands Tied," from the May 16, 1964, Greenville Piedmont, of Greenville, S.C.

"For What?" broadcast editorial over radio station WDIX, in Orangeburg, S.C.

"It's Time To Strike at North Vietnam," by Mr. William F. Buckley, Jr., in the May 17, 1964, News & Courier, of Charleston, S.C.

"Will They Get an Answer," May 17, 1964, edition of the Augusta Chronicle, of Augusta, Ga.

I also ask unanimous consent, Mr. President, to have printed together with these editorials my newsletter for this week which is on the same subject.

There being no objection, the editorials and the newsletter were ordered to be printed in the RECORD, as follows:

[From the Orangeburg (S.C.) Times & Democrat, May 16, 1964]

WE'D LIKE THE ANSWERS, TOO

"Why are the young Americans who are fighting Communist aggression in Vietnam—shoulder to shoulder with free Vietnamese soldiers—forced to withstand the onslaught of the Communist enemy without having the opportunity to attack the enemy's own territory in the north?

"Why must young Americans give their lives in the jungles and ricefields in Vietnam in the fight against a Communist enemy when the Government of the United States authorizes trade with Communist countries—trade which is utilized to strengthen Communist power in Vietnam and throughout the world?

"Why must our young men die in far-off Vietnam, fighting the enemy, when their Government authorizes cultural exchanges with the Communist world—the exchange of ballet dancers to entertain Communist leaders in Moscow while a young American does the dance of death in Vietnam?

"Why must we repeat the tragic error of Korea—where 52,246 Americans gave up their lives in a war that we had no intention of winning? Must the same number be sacrificed for the same empty reasons in Vietnam?

"Why do we fight Communists with one hand—at a terrible cost to our loved ones—and help communism with the other hand? If international communism is the enemy of our Nation, then we must fight. If it is not, then let's bring our young men home—from throughout the world—and submit to international communism's ambition to control the world. We can't have it both ways—it must be one way or the other."

At first glance, those questions might appear to be part of a Communist brochure needlessly attacking the U.S. Government. But they aren't—at least we have no reason to believe that they are.

Actually, they were asked in a full page advertisement in Tuesday's edition of the Washington Star. The ad contained the names of 127 Americans killed in Vietnam from January 1961 through March of this year. It was signed by relatives of 100 of the men, the relatives representing 42 different families.

There is nothing foolish about the questions. They are some that we, and presumably millions of other Americans, would like answered. They expose the many paradoxes in our relationships with the Communists from Vietnam to Cuba. They expose the many perplexities that worry the people of this country so far as that phase of our foreign relations is concerned.

They show the hoplessness, the futility of the loved ones who have been killed in a brutal jungle battle stalemated by Cambodia to the west and North Vietnam.

The advertisement closed with the following: "To make the supreme sacrifice in a war that cannot be won is too great a sacrifice to ask of anyone. If we are to battle, let's battle to win. If we are not to do this, Mr. President, please tell us: Why?"

There will be those who will charge that the writing and placing of the ad was Communist inspired. We place no credence in that. And even if it were, we would add our own: Why? Why? Why?

[From the Greenville (S.C.) Piedmont, May 16, 1964]

FIGHTERS' HANDS TIED

News from South Vietnam that U.S. advisers are being required to use obsolete equipment in the fighting can only bring reactions of shock.

This is reminiscent of the Korean war, where Washington failed to adequately supply U.S. forces and troops had to be rationed in how many shells they could fire at the enemy. Also, planes were all World War II vintage until late in the war, and truly modern weapons never became available in quantity.

The appalling fact is that in Vietnam the United States high command doesn't even have the excuse of unpreparedness. The Nation has the weapons, the modern planes. But U.S. troops are not allowed to use them. Why?

The answer is not difficult to learn, though Defense Department officials are reluctant to admit it. It is simply this: The United States is adhering to the "Geneva accords," the rules set up in the mid-1950's for limiting the fighting in southeast Asia.

The fantastic part of this is that the North Vietnam Communists (the Vietcong) long ago abandoned any pretense of adhering to the agreement, which barred aggressive action in South Vietnam. They are using every weapon they have to win the war.

Why does Washington adhere to an agreement openly violated by the Reds? Why are U.S. troops forced—by their own command—to use inferior equipment? Why do Washington policymakers insist on fighting a war with our hands tied behind our backs?

Secretary McNamara should be asked these questions over and over again now that he has returned from Saigon. When he tells of the fine troops and leadership we have in Vietnam, he should be asked why we don't give them the means to win. Maybe it will take a decade, but that's no justification for not trying to win it sooner.

[From Orangeburg (S.C.) Radio Station WDIX, May 12, 1964]

FOR WHAT?

How's the war in Vietnam? We have only about 15,000 U.S. personnel there. It is merely a training mission. U.S. troops are advisory to the South Vietnamese. U.S. troops shoot only when they are shot at—it is the Vietnamese who are doing the fighting, except when U.S. personnel must defend itself. That does not seem to be much of a war—and, it's half-way 'round the world—but, not to Air Force Capt. "Jerry" Shank and his widow and their four small children—one of whom he never saw. Capt. "Jerry" Shank died—but not before he had exposed to his widow the shallowness of U.S. diplomacy, the duplicity of U.S. leadership, and the bitterness of U.S. soldiers who have been sent into combat with obsolete weapons—airplanes with the wings coming off and ridiculously undermanned—as few as five airplanes to fight a war. In the May 4 issue of U.S. News & World Report, there are four pages of excerpts from Captain Shank's letters to his wife which tell the sordid story of the "no win" policy and how it is costing the lives of U.S. servicemen and the prestige of this great Nation. Here—in the living, vivid words of a man who was there—is how the "no win" wars are fought which have characterized U.S. intervention around the world since, and including, Korea—the first war that the United States ever lost. Since that time, we have lost them all. Capt. "Jerry" Shank describes the process.

If you have wondered what Senator STROM THURMOND was talking about when he charged that this Nation has a "no win" policy—if you have wondered how the U.S.

State Department directs a "no win" war—then you should read Captain Shank's letters to his wife. The story is on pages 46 through 49 in the May 4 issue of U.S. News & World Report. The letters begin on November 14 of last year and end on March 22 of this year. Captain Shank died in his plane on a mission, 2 days later. On February 24, Captain Shank wrote, "We're down to five airplanes now, all of them at Soc Trang. We have actually got nine total, but four are out of commission because of damage. The B–26's aren't flying yet, but they've been more or less released. I don't know what United States is going to do, but whatever it is I'm sure it's wrong. Five airplanes can fight the war—that's just ridiculous. Tell this to my dad. Let him know, too, how much the country is letting everyone down. We fight and we die but no one cares. They've lied to my country about us." On February 29, Captain Shank wrote, "We've got a new general in command now and he really sounds good. Sounds like a man who is out to fight and win. He's grounded the B–26's except for a few flights. But they have to level bomb, not dive bomb—no strain for the aircraft that way. He has ordered B–57's (bomber-jets) to replace them, and has asked for immediate delivery. He has also demanded they replace the T–28's with the AD–6. The AD–6 is a much more powerful single-engine dive bomber. It was designed for this type of work and has armor plating. We are pretty excited about all the new airplanes. We can really do good work with that kind of equipment," end quote Capt. "Jerry" Shank to his wife. But, the promised new airplanes he wrote of on February 29 had not arrived by March 22. On an airstrike mission 2 days later, Captain Shank flew his inadequate airplane—inadequately armed and improperly assigned for the kind of attack he was ordered to make. Capt. "Jerry" Shank flew his last mission. For what? to satisfy the theory of a "no win" diplomacy which has demonstrated its failure for 18 years? What the voter must require in November is not a change in administration but a change in policy.

[From the Charleston (S.C.) News & Courier, May 17, 1964]

IT'S TIME TO STRIKE AT NORTH VIETNAM

(By William F. Buckley, Jr.)

SOUTH VIETNAM.—A nightmare. What are we going to do about it? President Johnson appears to believe that American policy in South Vietnam consists in sending Mr. McNamara over there every few weeks. To do what?

Dispose first of the narrow political problem. If Senator GOLDWATER is turned down by the Republican convention, the odds are at least even that Henry Cabot Lodge will be nominated. A politician half as skillful as Lyndon Johnson would prepare for such a contingency, and sure enough the way is now set for him to say next fall, should he feel the necessity to do so, something like this:

"Unfortunately, Ambassador Lodge really botched things in South Vietnam. I was reluctant to remove him, until the evidence of his ineptitude was fully accumulated; but at least I took the precaution of sending the Secretary of Defense there on regular trips, to check on and, finally, to confirm, the dismal record of the man whom the Republicans have nominated as their Presidential candidate."

But there is a deeper political problem, which has to do with the growing impatience of the American people with the whole performance in South Vietnam.

In the Washington Star this week I read the most poignant full page advertisement I have ever seen. It had no commercial purpose. It had no partisan political purpose. It listed, simply, the names of a hundred-odd Americans who have been killed in action in South Vietnam.

The ad was paid for by the parents, relatives, and friends of these Americans, and the message, phrased as an open letter to Lyndon Johnson, was simply this, "Why?"

Why were these men killed in South Vietnam in an action whose strategic unintelligibility is becoming increasingly apparent? What are we doing in South Vietnam, if not trying to save southeast Asia from the Communists?

Yet if this is our purpose, how long can we put off facing the strategic realities?

That situation is simply this, that we cannot keep South Vietnam free without taking action against North Vietnam, whose capacity to infiltrate terrorists into free Vietnam is beyond our capacity, or the free Vietnamese's, to cope with.

It is all very well for us to distribute literature to South Vietnamese hamlets about the glories of democratic government. It is something else to reply persuasively to the arguments used by the Vietcong Communist guerrillas.

Their favorite form of cajolery is to descend on pro-Western hamlets, pick out the leaders, and publicly disembowel them. The effect on putative freedom lovers is said to be considerable. Not so different, let us face it, from the effect such a lesson would have on a little town in say Ohio, under similar circumstances.

If Yellowstone, Ohio, were one morning to be occupied by fanatical guerrillas who proved the constancy of their purpose by taking the mayor and his wife and his children, and the aldermen, and their wives and children, and eviscerating them for the public enlightenment, not many residents of Yellowstone would thereafter be disposed to listen to the preachments of American propagandists who tell them to take heart, and fight, team, fight for democracy, as we tell the South Vietnamese to do.

What does it mean that we do not have the people of South Vietnam with us? How can we hope, under the circumstances, to have the people of South Vietnam with us?

Why should they be "with us" when we permit our fear of world opinion to count more heavily than their fear of the Vietcong guerrillas with their bloody pangas?

But hark, the establishment is beginning to move; slowly, oh so slowly, but it is beginning to move.

It is not only the umpteenth trip to South Vietnam by Secretary McNamara. Mr. Nixon was recently there, and said—and consider the importance of his statement, in the light of his subtle political sense: that we must move against North Vietnam.

And behold Nelson Rockefeller has said we must do something there.

So has Mr. William Miller, chairman of the Republican Party. (GOLDWATER, needless to say, has been saying it all along.)

But more important than all of these, for those whose eyes are trained to keep their eye on the true depositories of power: Mr. C. L. Sulzberger, principal foreign affairs expert for the New York Times, has come out and said it in just so many words: If we desire to reverse the impossible situation in South Vietnam, we have no alternative left open to us than to move against North Vietnam.

Why?—as the mothers, and widows, and friends of the victims have asked.

Why? Because the United States is committed for better or worse to help its allies stem the Communist world, in order to keep communism away from our own shores.

We need, then, to face up to our responsibilities, with that courage, faith, and resolution that Vice President Johnson cited when he spoke at Saigon in 1961, calling Diem "the Churchill of today," and pledging to "proceed either alone or with our friends to preserve our position" in Asia.

Let President Johnson give the word.

And let this be a nonpartisan endeavor, supported by Democrats and Republicans alike; so that the bereaved Americans may know, finally, why; why the sacrifices were not in vain.

[From the Augusta (Ga.) Chronicle, May 17, 1964]

WILL THEY GET AN ANSWER?

In a full-page advertisement in the Washington Star Tuesday, relatives of American servicemen killed in South Vietnam asked their President to answer some pointed questions:

Why are our men required to fight an enemy who has a sanctuary in North Vietnam which is sacred from our attack?

Why does our Government by trade strengthen the economy of the Communist system which slaughters our men in South Vietnam?

Why do we provide entertainment in Moscow through cultural exchange to delight the power that backs Communist aggression and killing?

Why do we repeat the error of Korea, in sacrificing our men in a war in which we do not intend to exert the force necessary to win?

Why don't we bring our men home if we do not intend to use adequate power and strategy for victory?

While Americans beg for a government which will back them with adequate weapons, and above all with a will to win, Secretary of Defense Robert S. McNamara on his visit to embattled South Vietnam promised instead to send that country "economic assistance." At the same time Secretary of State Dean Rusk at a NATO meeting at The Hague asked our allies for "nonmilitary" aid for South Vietnam.

The history of erosion and decay of America's defense and of its honor, which began with the determination against a victory in Korea, and which has continued to disgrace us through the Red aggressions and provocations in Laos, Cuba, Zanzibar, Panama, and even in subversive activities in our own country, provides an answer to the mothers of men slain in South Vietnam.

That answer is that there will be no answer, except a continuation of the present drift, until the people of this Nation rise up in their indignation and install a responsible national administration in Washington.

STROM THURMOND REPORTS TO THE PEOPLE: A POINT OF HONOR

(By STROM THURMOND, U.S. Senator from South Carolina)

Since the end of World War II, U.S. official attitude and policy has moved further and further away from the premise that "in war, there is no substitute for victory." Thus in the continuing cold war and in its frequent outbreaks into bloody combat, the United States has been bent on containing the spread of communism, seeking a stalemate, or more recently, in reaching an accommodation through which the conflict might hopefully be liquidated.

The effects of such attitudes and policies extend beyond the more obvious losses in territory, captivity of peoples by communism, or propaganda defeats. There is a fallout effect from such attitudes and policy on the national character of the United States. Rarely calculated is the damage to the honor, self-respect, and integrity of the national character from years of following a "no-win" policy.

The first major blow to the Nation's self-respect was suffered when more than 54,000 Americans gave their lives and 105,000 were wounded in Korea to achieve a stalemate. Seldom phrased, but ever present is the question, did the Nation keep faith with those who made the supreme sacrifice?

Another of the more conspicious events damaging our self-respect was the Bay of Pigs invasion in April 1961. Cuban patriots were sent into Cuba on a U.S. financed and planned invasion, which, because of the timidity of U.S. policy, was predoomed to failure. Many of the Cuban patriots paid with their lives, and the remainder were captured by Castro's forces. In this instance, the United States sought to purge its image, and to the extent possible, redeem its honor, by indirectly paying ransom to the Communists for the release of the prisoners.

Since 1961, the United States has been engaged in a war in southeast Asia. Americans are carrying a major burden in the fighting, although under the pretense of training our South Vietnamese allies.

Years ago, the United States made the correct decision that southeast Asia is vital to U.S. security and thus the area must be defended from Communist takeover. As a result, we have been supporting a defensive war—one in which the initiative has been intentionally forfeited to the Communists and in which the Communists have been permitted to make the ground rules of the war. In addition, the Communist forces have been allowed to maintain a sanctuary in countries adjoining the South Vietnamese battlefield—in Laos, North Vietnam, and Cambodia.

Under such circumstances, the American and Vietnamese forces fighting the Communists have been virtually precluded from victory. The Americans fighting the war have been long aware that they were being required to fight with their hands tied behind their backs.

Recent reports have revealed that this is not the only impediment to the American forces in South Vietnam. Our military men are having to fight in many cases without adequate weapons. Often they have been armed with obsolete and defective weapons of World War II vintage. Many of our servicemen have lost their lives because of this deficient equipment. The United States has been holding back its modern armaments because of our policymakers' fear of escalating the war.

No ransom payments can erase or even mitigate the shame of our Nation incurred in the sacrifice of Americans in a won't win war. There is no way to make up the breach of faith of the Nation to those who sacrifice their lives because the best equipment and armaments available were withheld from them in the fight which our Nation asked them to wage.

If we allow southeast Asia to fall, those who gave their lives already will have died in vain. If our forces are required to fight on with poor equipment and poorer policies that preclude victory, our military men will draw their own judgment as to the state of our national integrity and honor.

Our Nation's birth resulted from the pledge of our forefathers to each other of "our lives, our fortunes, and our sacred honor." Americans must soon realize that the toll of U.S. policy must be measured not only in lives and fortunes, but also in loss to "our sacred honor."

Sincerely,

STROM THURMOND.

OPPOSITION TO EXPANSION OF WESTERN TRADE WITH COMMUNIST GOVERNMENTS—ACTION BY THE EXECUTIVE COUNCIL OF THE AFL–CIO

Mr. THURMOND. Mr. President, in the current climate of increasing pressures for trade by the United States with the Communist nations of the world, the action of the executive council of the AFL–CIO yesterday is most refreshing. The following article appeared in the today's issue of the Washington Daily News:

The AFL–CIO Executive Council is opposed to any expansion of Western trade with Communist governments.

The council said at its spring meeting yesterday that Soviet Premier Khrushchev is trying to spread "illusions, confusion, and division" among Western nations to lull them into a false sense of security.

It said increased trade could strengthen Russia and her satellites for more offensive actions against the free world.

Mr. President, the executive council of the AFL–CIO is to be congratulated for its clear sighted understanding on the matter of East-West trade. Business organizations, such as the U.S. Chamber of Commerce, would do well to heed the sound position on this subject taken by the AFL–CIO.

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 577) proposed by the Senator from Louisiana [Mr. LONG] to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 243 Leg.]

Aiken	Fulbright	Morse
Allott	Gore	Morton
Anderson	Gruening	Moss
Bartlett	Hart	Mundt
Bayh	Hartke	Nelson
Beall	Hayden	Neuberger
Bennett	Hickenlooper	Pastore
Bible	Holland	Pearson
Boggs	Humphrey	Pell
Burdick	Inouye	Prouty
Byrd, Va.	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Jordan, Idaho	Ribicoff
Carlson	Keating	Saltonstall
Case	Kennedy	Scott
Church	Kuchel	Simpson
Clark	Long, Mo.	Smathers
Cooper	Long, La.	Sparkman
Cotton	Mansfield	Symington
Curtis	McCarthy	Walters
Dirksen	McGovern	Williams, N.J.
Dodd	McIntyre	Williams, Del.
Dominick	McNamara	Yarborough
Douglas	Metcalf	Young, N. Dak.
Ellender	Miller	Young, Ohio
Fong	Monroney	

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). A quorum is present.

Mr. BYRD of Virginia obtained the floor.

Mr. YARBOROUGH. Mr. President, will the Senator from Virginia yield, with the understanding that he will not lose the floor, and that my remarks will precede or follow his in the RECORD?

Mr. BYRD of Virginia. With that understanding, I yield to the Senator from Texas.

NATIONAL ASSOCIATION OF STATE APPRAISAL AGENCIES CALLS FOR PASSAGE OF GI BILL BASED ON IRREFUTABLE REASONS

Mr. YARBOROUGH. Mr. President, thousands of our servicemen who served this Nation during World War II and the Korean war are now retiring from the Armed Forces. These career servicemen who have served 20 to 30 years in the Armed Forces are facing a very difficult readjustment problem.

Mr. Paul S. Smelser, writing in the Service Letter of the National Association of State Approval Agencies, has reminded us that these career servicemen are for the most part being denied the readjustment benefits of the previous GI bills due to their continued service in the Armed Forces. S. 5, the cold war GI bill, sponsored by 39 Senators, would overcome this unjust situation by providing readjustment assistance to these deserving men and women who have given their valuable and loyal service during the cold war since January 31, 1955. This is one of the many cogent and compelling reasons why the Senate should consider and pass the cold war GI bill, S. 5, which is now on the Senate Calendar, where it has been since the second day of July 1963—the most neglected, shoved aside, stomped on bill in the Senate.

I shall read a few paragraphs from Mr. Smelser's letter, distributed nationwide through the National Association of State Approval Agencies:

They are skilled in military occupational specialties that have little or no relation to civilian occupations. It seems unlikely that they will remain unemployed or be employed in unskilled occupations.

Mr. President, that is the kind of future that awaits the veteran of today, unless Senate bill 5 is passed, so as to give him a real opportunity in life. I continue to read from Mr. Smelser's letter:

It appears that a large portion of their potential production will be wasted.

These men earned the education and training assistance benefits provided by Public Law 346 of the 78th Congress and the similar benefits provided by Public Law 550 of the 82d Congress. But they were unable to take advantage of these opportunities because they continued to serve in the Armed Forces. Now, most of them are not eligible for these benefits unless they were officers.

It has often been overlooked that these deserving veterans will be eligible for education and training assistance benefits when the Cold War Veterans' Readjustment Assistance Act (S. 5) is enacted into law. The educational assistance benefits provided by this law will enable them to increase their

earning power and their usefulness as a citizen.

Some veterans organizations have failed to give active support to legislation that would provide educational benefits for cold war veterans. They have maintained that their primary concern is for their own members and that cold war veterans are not eligible for membership in their organizations. By adopting this policy they have failed to act for the benefit of their members who are not only veterans of the cold war but are also veterans of World War II and the Korean conflict.

We are hopeful that veterans, veterans organizations, and educators will increase their active support of S. 5 and that this bill will be enacted into law in the near future.

Mr. President, I ask unanimous consent that the entire letter written by Mr. Smelser, entitled "The World War II-Korean Conflict-Cold War Veteran," be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WORLD WAR II-KOREAN CONFLICT-COLD WAR VETERAN

(By Paul S. Smelser)

Thousands of men who first entered the Armed Forces during World War II are now retiring from the services. These men served their country during three critical periods—World War II, the Korean conflict, and the cold war.

Some of these veterans have acquired knowledge and skills that are closely related to a civilian occupation. They can look forward to 15 or 20 or more productive years in the civilian economy. They can expect to adequately support themselves and their dependents and to contribute to the economy and the general welfare of their community and their Nation.

Large numbers of these veterans, however, are discovering that they are poorly-equipped for civilian life. They are skilled in military occupational specialties that have little or no relation to civilian occupations. It seems likely that they will remain unemployed or be employed in unskilled occupations. It appears that a large portion of their potential production will be wasted.

These men earned the education and training assistance benefits provided by Public Law 346 of the 78th Congress and the similar benefits provided by Public Law 550 of the 82d Congress. But they were unable to take advantage of these opportunities because they continued to serve in the Armed Forces. Now, most of them are not eligible for these benefits unless they were officers.

It has often been overlooked that these deserving veterans will be eligible for education and training assistance benefits when the cold war veterans' readjustment assistance (S. 5) is enacted into law. The educational assistance benefits provided by this law will enable them to increase their earning power and their usefulness as a citizen.

Some veterans organizations have failed to give active support to legislation that would provide educational benefits for cold war veterans. They have maintained that their primary concern is for their own members and that cold war veterans are not eligible for membership in their organizations. By adopting this policy they have failed to act for the benefit of their members who are not only veterans of the cold war but are also veterans of World War II and the Korean conflict.

We are hopeful that veterans, veterans organizations, and educators will increase their active support of S. 5 and that this bill will be enacted into law in the near future.

CUBAN INDEPENDENCE DAY

Mr. SIMPSON. Mr. President, 62 years ago today a small Caribbean island, for which the United States had fought a bloody war with Spain, became the free and independent nation of Cuba. On this date in 1902, the Stars and Stripes were lowered and the Cuban flag—the lone star flag of Narcisco Lopez—was raised on Morro Castel at the entrance of Havana Harbor.

The ceremony was a singular tribute to America's military persuasion and her diplomatic excellence for we had acted in accordance with the mandate of Congress, expressed in the joint resolution of 1898, and made Cuba the "free and independent" nation that she "is and by right should be."

The occasion on which we willingly surrendered the territory we had won in war marked the birth of a sovereign state that was to thrive until its creator scored an opprobrious political first by helping execute that to which it had given life.

With the indulgence of my colleagues, I should like to discuss briefly the rise and the fall of Cuban freedom and the creation in its ashes of a Communist satellite whose power is spreading like a malignancy to infest and feed upon all Latin America.

The circumstances surrounding the fall of Cuba in the closing months of the Eisenhower administration are related in a book, "The Fourth Floor," authored by our former Ambassador to Cuba, Earl E. T. Smith. Ambassador Smith's tract is a dispassionate, authentic account of how the United States, hiding behind a tapestry of lies and subterfuge called nonintervention in Cuba's internal affairs, disarmed Fulgencio Batista, turned other once friendly nations against him and propelled into the presidential palace in Havana, a man with a voluminous record of Communist activity.

The prelude to the rise of Castro's star is fantastic. Castro was compared to Abraham Lincoln and pictured generally as a composite savior, a Robin Hood, and a friendly family physician by the American press. He was openly aided by the United States against the Government of Cuba with which we had friendly and formal relations.

There was a mad scramble in Washington to become a part of the irreversible tide of history that was to drive the despot Batista out of power and supplant him with the romantic and cavalier Fidel Castro.

As Ambassador Smith relates:

I was told by both President Batista and Prime Minister Guell that the Cuban Government was fighting for its life against terrorist and Communist-inspired revolutionists. Batista added, the Government of Cuba was friendly to the United States and supported the United States wholeheartedly in its fight against communism. He could not understand U.S. intervention on behalf of Castro in his hour of need (p. 99).

This quote is no defense of Batista for he was an ironfisted dictator. However, he would have surrendered office to a constitutionally elected successor had Castro not succeeded in preventing the elections.

The case of Cuba is an open book, written with untold suffering, blood, and deprivation from which any observant reader may learn much. The monster, fed by the United States as a pup in the Sierra Maestra, is now a mature ravenous animal stalking all the Americas and hence, all the free world. Castro has ruled Cuba with an "iron fist" for 5 long years during which he has labored ceaselessly to export revolution. The State Department has hard evidence of such attempts in at least six countries. We were witness a few weeks ago to the superbly documented report by the OAS on Cuban subversion and terrorism in Venezuela. It is somewhat surprising in this context, in view of the tragic history of the past 5 years, to find Cuba referred to as an "old myth" and a "nuisance."

What has happened in Cuba is no myth. What could have happened to the United States in October of 1962 is not a myth. I will quickly admit, however, that there are misconceptions in our foreign policy and in the national consensus regarding communism and Cuba. I should like very briefly to outline what to me are the most patent of these.

The American Government and press seek to give the impression that Castro is some abstract type of rum-soaked idiot whose attitudes fluctuate between total dementia and incidental perversion. But, if the views of those who best understand the nuances of Castro's mind are to be weighed, a fool is precisely what Castro is not.

He is an educated, articulate, and zealous revolutionary. He is capable of sustained, impassionate, and motivational oratory reminiscent of Hitler in the 1930's. James Donovan, who dealt with him at arms length across the bargaining table, considers Castro a hard, intelligent bargainer.

It is reported that Mr. Donovan considers it a toss up as to whether Castro is using Khrsuhchev or Khrsuhchev is using Castro. Castro is a threat in and of himself and to contend that he is not is to indulge in a most dangerous self-deception.

I regard as another misconception the postulate that Cuba does not pose a direct threat to the United States albeit it is a peril to Latin America. This is somewhat like saying that a soldier is less dead because the bullet that killed him was a ricochet. Communism is a patient ideology. Its inevitability doctrine is celebrated not in years but in decades and perpetuity. Communist architects see in Cuba an unprecedented opportunity to spread their ideology throughout the land mass contiguous to their ultimate enemy—the United States.

I hardly need amplify on the extent of the threat should we find ourselves facing a Red tide from Juarez to Cape Horn. In such a perilous position, the question of whether or not Cuba began as a direct military threat to the United States would be totally inconsequential.

Another misconception is that a "thermonuclear holocaust" would be the corollary to any action taken by the United States to extrude communism

from Cuba. The Pearl of the Antilles is an ideological beachhead for communism, but it is not necessary for the defense of Eastern Europe or the Communist mainland.

Cuba's primary value to world communism remains that of a springboard for ideas, a way station for Communist thought and dogmas, and a Latin American sanctuary for limited military and unlimited ideological offensives. This does not make Cuba less of a danger to the United States for our security is bound inextricably to the security of all the Americas. It remains, however, that in modern warfare Cuba is unnecessary for actual defense of Mother Russia.

I am firmly convinced, and I think it is axiomatic from a study of communism's reaction to American determination, that Khrushchev will not precipitate a nuclear war over Cuba. He will rave and exhort and rattle his missiles. He might even truncate negotiations for a cultural exchange, but with everything to lose and nothing to gain, he will not trigger a war.

Another belabored misconception is that the limited bee sting jabs at Castro by exiles are not effective. If effectiveness is to be measured by the success of poorly armed youths facing Castro's Soviet trained army on the battlefield, then I concede that the refugees are not effective—in that context.

Realistically, such reasoning disregards the nature of limited warfare and the manner even in which Castro came to power. The embryo of the Fidelista in Cuba was an idea, a mountain, and 12 survivors of an ambush. These 12 burgeoned in numbers and in tactics, branching out from harassment to sabotage to platoon actions and finally to open warfare.

So it can be with the exiles. Individually, their attacks are mere pin pricks, but the sum total of these pin pricks and the action they can galvanize could hemorrhage the giant and destroy him.

Finally, Mr. President, I should like to retire the popular misconception that Communist Cuba provides a showase in which "all may see" the failure of communism.

Cuba may be a showcase of the material inadequacies of a Sovietized nation, and the minuscule segment of Latin America which is allowed to peer inside the island may so regard it. Cuba is, however, a most dramatic showcase of the inability of the United States to match the swiftness of contingencies and marshal a political consensus capable of meeting challenges from Russia—for 20 years our bitterest enemy.

To Latin America, Communist Cuba exists as irrefutable proof that the United States will neither defend its borders nor honor its commitments and rescue its friends.

The Latin American image today is mirrored in the Cuban looking glass. If Cuba, the most prosperous among the small nations of America, in the shadow of the mighty United States could go under as she did, what indeed might the others expect?

We have attempted to isolate Cuba, but is isolation what she deserves? Five years ago Cuba was our ally. The masses of people who were our friends then still reside in Cuba. The forces which govern their destiny have changed, but the people have not. If isolation from the American system is the penalty they must pay for succumbing to communism—with U.S. help—what have other nations to expect if they too slip and fall?

Latin Americans realize that the Communists never fail to support their captive governments even though they be 9,000 miles away, whereas the United States, 90 miles from Cuba, can only retreat in trembling archaic isolationism and plead with the free world to isolate the nation which "is and by right should be free and independent."

Liberation—not isolation—is the course we must chart for Cuba.

Mr. President, we have been a de facto combatant in the inconclusive bloody war in Vietnam for almost half a decade. Now the administration maintains that we will win the war in Vietnam. "Win," however, means victory, and the administration has been known to regard that word with derision and scorn.

Of two things we can be certain: The "ground rules" of Vietnam make total victory in the classic sense utterly unattainable. Just as surely, the lessons of history make anything less than victory totally unthinkable.

In view of this anomaly, I would like to suggest that were we to commit to the Caribbean a fraction of our money and manpower now in Asia, we could ameliorate the situation which poses problems of the most urgent and immediate nature for the United States.

To my knowledge, the Vietcong have no naval installations from which submarines can threaten American shores. The Vietcong are not spewing venom into the Western Hemisphere. They are not threatening our access to the Panama Canal, our space installations on the southern and eastern seaboards, or the elected governments of the Americas. They have no nuclear missiles aimed at the United States. Yet, it is in Vietnam and not in Cuba that the administration has chosen to commit American lives and prestige to make the ultimate stand against international communism.

Mr. President, if we must provide assistance for an army, should not that assistance be for a Cuban army in exile, an army that could infiltrate the Sierra Maestra, organize the farmers and peasants, and begin an effort for Cuban liberation. Would it not be a sound investment in American men and dollars to train, equip, and support the thousands of Cuban expatriates who roam the earth as men without countries? They are eager and willing to fight, under our rules or theirs, to extirpate the madness which governs Cuba.

Our first obligation is to our own national security, but in attending to our security, does not Cuba present itself as the paramount foreign policy issue facing us?

Mr. President, it should not be forgotten, though it often seems to be, that in the course of the one and three quarters century of its existence, it is only now that the United States faces mortal peril. America has fought two world wars thousands of miles from its shores. It has built up vast interests throughout the globe, but only during the past 3 years has the United States allowed the enemy to creep "surreptitiously"—as President Kennedy declared in October of 1962—to the very doorstep of the American mainland.

Throughout our history, Fortress America has withstood all external challenges, but today we are induced to abrogate the very cardinal principle of our foreign policy—the Monroe Doctrine—and bid the enemy welcome on our doorstep.

Mr. President, I ask unanimous consent at this juncture of my remarks to have inserted in the RECORD a statement provided me by Mr. Juan Lliteras, Chairman of the Committee of Cuba Jurists, which outlines various legal ramifications of our Caribbean commitments.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. JUAN LLITERAS

1. Since the year 1776, when the people of 13 small colonies, with a population scarcely in excess of 2,700,000 inhabitants, proclaimed their independence from Great Britain and the determination to become a free nation, it has been an established tradition in America that all peoples have the right to rebel against tyranny; more so when such tyranny is imposed from abroad. The Declaration of Independence of the United States is, therefore, the first in time and significance among the legal arguments which we here present in support of our petition.

2. The corollary right of self-determination, derived from the Declaration of Independence of the United States, was acknowledged by the Pan American Union, since its inception during the latter part of the last century; has been reaffirmed in all important Inter-American pronouncements of later years; and is presently incorporated in the Charter of Bogotá of 1948.

3. The right of nonintervention—especially of nonintervention by extra-continental powers—in the internal affairs of the American nations, likewise affirmed in the charter of Bogotá, originated with the so-called "no-transfer principle," whereby the peoples of America, at an early date, expressed their determination not to permit an extension of the territorial domain of European powers in America. The Monroe Doctrine of 1823, directed to protect the newly won independence of the young American Republics, was firmly based on this principle. Said Doctrine became one of the cornerstones of inter-American law after the seventh Pan American Conference of Montevideo, in 1933, and has provided a solid foundation for collective defense, under the compacts of Rio de Janeiro and the charter of Bogotá.

4. The "no-transfer" doctrine was again invoked in the joint resolution of the Congress of the United States of June 1940 (Pittman-Bloom), and reiterated as a basic principle of public inter-American law in the Declaration of Havana, adopted in said city by the foreign ministers of the American Republics during the month of July of the same year. Under the terms of the Declaration of Havana the American States unanimously resolved not to consent to any transfer of American territory among the European powers involved in the war then being fought on that continent.

These pronouncements are of special significance at this time and might well be applied to Cuba, where a transfer of American territory to an extracontinental power has

unquestionably occurred as a consequence of the global conflict known as the cold war.

5. The Mutual Security Act of the United States, 1951, authorized the President to assist the citizens of captive nations, within or without their territory in the struggle to restore the independence of said nations. This law, while never so far implemented, remains on the statute books, and could well be considered as contradicting the ill-advised efforts of certain authorities to restrain Cuban patriots from attacking the Castro-Communist regime under the neutrality laws of the United States.

6. The joint resolution of the Congress of the United States of September 26, 1962, formally committed that nation to "work with the OAS and freedom-loving Cubans to restore self-determination to the Cuban people."

This law, unquestionably the most important piece of foreign policy legislation enacted in recent years, has fallen into oblivion. Neither has the Government of the United States acted upon the joint resolution of September 1962, nor have the nations of Latin America sought to invoke said resolution in self-defense, as they well might have done, to repel the repeated aggressions of international communism staged from Cuba.

Nevertheless, the guidelines laid down by the United States in said resolution, as the unquestioned leader of the free world, point perhaps to the only course capable of affording an effective solution to the problem of American security. First, because the source of our common peril is situated in Cuba. Second, the aforesaid resolution contemplates collective action—though not necessarily unanimous action, or even action by a majority of the American States. It imposes of course, no obligations on those countries which choose not to consider themselves in peril of Communist aggression oblivious of the common danger. Yet, on the other hand, it extends an open invitation to those actually threatened to avail themselves in reciprocal self-defense of the support and resources of the most formidable power in the world.

This distinction is important from the point of view of the internal rules and regulations of the OAS. It is still more important with respect to Cuba, because the joint resolution of September 1962, contemplates the rights of the Cuban people to defend themselves and to receive support within the framework of inter-American collective self-defense. In this sense it may well be considered an express ratification of another joint resolution, famous in the annals of history—the joint resolution of the Congress of April 1898—which solemnly declared that "Cuba is and by right ought to be free and independent."

It matters not therefore that the voice of Cuba be presently smothered by Communist oppression. Other nations may speak for her, because collective self-defense entitles a nation to act or to demand protection not only for its own defense, but likewise in the interest of any ally threatened or overrun by an aggressor. And the case of Cuba is not one of mere danger of attack. The occupation of Cuba by a foreign enemy is an accomplished fact, and this was so recognized at Punta del Este.

In brief, Excellencies, the matter on hand can be dealt with effectively by simply providing freedom loving Cubans with the moral and material support to which, in the circumstances, they are clearly entitled. If Tunisia, Morocco, Egypt, and certain Socialist countries did not hesitate openly to provide arms, bases and a safe haven to the Algerian forces of national liberation, with the tacit consent of the United Nations, what is to stand in the way of the free peoples of America doing as much—and with a better right—for the people of Cuba?

7. It is unquestionably pertinent to invoke in this respect the Mutual Assistance Treaty of Rio de Janeiro, 1947.

The Organ of Consultation of the American States has held five formal meetings and one informal reunion, since the Communist regime came to power in Cuba by deceiving the Cuban people, as the leader of that regime has cynically confessed. These meetings have been almost exclusively concerned with the problem of Cuba, or the dangers arising from the Communist occupation of that island. Starting with the petitions of Peru and Colombia in 1961, followed by that of the United States in 1962, and presently, in the case of Venezuela, the American states requesting said meetings have invariably invoked article 6 of the Rio Treaty, which reads as follows:

"If the violability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack, or by an extracontinental or intracontinental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the continent."

The problem here submitted to the American states can, therefore, Excellencies, be reduced to a simple question, to wit: If it is right and proper to apply article 6 of the Rio Treaty when invoked by Peru, Colombia, the United States, and Venezuela, is there any reason why said precept should not likewise apply in the interest of the Cuban people?

We put it thus bluntly because, whereas it is true that the OAS has adopted certain resolutions—of doubtful effectiveness—for the purpose of isolating Cuba and avoiding the proliferation of communism in the rest of the American Republics, no measures, as far as we know, have been applied or even considered to defend the people of Cuba against the actual invasion or military occupation by a foreign power; and it is precisely such measures that article 6 of the Rio Treaty quoted above expressly contemplates, and which should have first priority in all cases of aggression, even when not of a military nature.

On the contrary, whenever the organ of consultation has met, emphasis has invariably been placed on the fact that communist infiltration and subversion of the other members of the system had originated in Cuba; and the American states, under the leadership of the United States, have determined the principal objective of their continental policy to be the isolation of Cuba from the rest of the civilized world.

Everything thus suggests that the general understanding is that Cuba is directly responsible for disturbing the peace of the hemisphere, that that nation should be punished, and that it is proper and just for the Cuban people to suffer the consequences of all international misdemeanors staged from the island.

On the other hand, it has been repeatedly recognized in the Punta del Este resolutions and the several statements made by heads of state of the American Republics, including the words of the late lamented President Kennedy of the United States, that the people of Cuba are a conquered people, under the totalitarian yoke of a foreign power and thus incapable of free action or expression.

This should, and in law no doubt does, exclude the Cuban people from all responsibility in connection with hostile acts directed against the neighboring countries, even if such acts have in fact been staged in Cuba. Hence those who should be accused as aggressors are not the people of Cuba, but the invaders and traitors who, having violated her territory by force, utilize it to assail the sister republics of the hemisphere. This was abundantly proved at the time of the October 1962 crisis, when the American mainland was directly menaced by the emplacement on Cuban soil of nuclear missiles, manned exclusively by Red army troops, with no Cuban participation whatsoever.

There is thus, as we see it, a profound contradiction between the political and military reality in Cuba as acknowledged by the OAS and the attitudes and measures adopted by the American States in connection therewith, considering that the said States have long been and remain today bound to the Cuban people by unimpeachable historical and juridical ties.

What a sense of reason and justice requires on the part of the allies of Cuba, Excellencies, is not the punishment but the defense of the Cuban people. And, if properly understood, that is precisely what article 6 of the Rio Treaty explicitly ordains. All the confusion that we have witnessed, the grave and continued conflicts within the hemisphere, would quickly vanish once responsibility is placed where it rightly belongs and the above mistake is rectified.

Had it not been for the mistaken interpretation of our regional law, we surely would not have heard in this hall the arguments of eminent jurists counseling against all interference in Cuban affairs on the grounds of "self-determination" and "nonintervention," under the assumption that the present Cuban Communist satellite regime represents the Cuban people, instead of the enemies of our country. Nor would sanctions have been requested before as they are at present to castigate an unfortunate and helpless people. Rather would all free men and nations have been expected to move in succor of Cuba, hastening to break her chains.

The enemy of America, gentlemen, is not Cuba but international communism. If we wish to combat that enemy, let the arm raised against it by a free Cuba be upheld, let it be strengthened, let its grip be firm, let the sword that it brandishes in defiance of the banner of the hammer and the sickle rooted on American soil never waver. We dare not allow that arm to falter, because should it ever fail, should providence bring upon us so cruel a destiny, the liberty of America would fall with it.

Mr. SIMPSON. Mr. President, if there is a single precept that has invariably guided the foreign policy of the United States since the treaty with Great Britain of 1783, that principle has been that the United States would, under no circumstances, allow Cuba to fall under the domination of a foreign power. It is virtually unbelievable that the United States has departed from that principle—that after becoming the greatest military and naval power on earth, it is willing to consent to the occupation of Cuba, not merely by another power, but by the most hostile and dangerous enemy that this Nation has ever had to face. Yet, today nobody will deny that Cuba—which "is and by right should be free and independent"—is nought but a Communist satellite, a perpetual monument to the elasticity of American commitments, and a reminder to every nation in the Western Hemisphere that "you, too, can be stripped of your sovereignty and made a Communist satellite."

Mr. President, the free world has been inspired by reports that exiles have landed or will soon land on the Cuban

coast to rebuild the anti-Castro underground. It is most indicative that these reports have produced neither histrionics from the Soviets against the United States nor retaliation by the United States against the exiles.

It is difficult in times of relative peace for a nation to put incidents of war into proper perspective. This is perhaps an explanation for the failure of most Americans to realize the enormity of what has been done to Cuba.

Although only 90 miles from our shores, Cuba's plight is revealed to us through the same media which bring us news of Vietnam and Europe. We tend to view Cuba—after 5 years of Communist domination—in a rather abstract and detached manner.

The memory of man is short. Perhaps it is too short to reach back to October of 1962. There was nothing abstract about Cuba then. We faced a mortal danger. We were cognizant of that danger. Cuba is today as invidious a threat as in the missile crisis, but stripped of the glare of publicity and the easily discernible military potentiality of missiles, the quiet crisis of Cuba has tended to slip from the American conscience.

On this, the 62d anniversary of the creation of the nation for which Americans fought and bled, it is to be hoped that a new national awareness will be forthcoming.

Cuba today can still be freed without direct American military intervention. It can be freed by the exiles and without the serious threat of a thermonuclear war. Time is working against us, however, and there is much to be done.

It is incumbent at this late hour, Mr. President, for the administration to provide assistance and strategic planning for the Cuban exiles who are legitimately entitled to work for the liberation of their country. The United States must not only unshackle the Cubans but also direct their efforts so that the common cause—Cuban independence—can be achieved in the shortest possible time.

The administration should recognize a Cuban Government in exile and seek to have that Government given recognition in the Councils of the Organization of American States. It should be acknowledged that the disunity of the Cubans is having a most deleterious effect on their efforts for independence. It should also be acknowledged that the Government of the United States is promoting such disunity as a means of keeping the Cubans in check. A government in exile could provide the singleness of voice that exiles have lacked throughout Castro's reign.

Mr. President, Public Law 733, passed by the 87th Congress and signed by President Kennedy, commits the United States "to work with the Organization of American States and with freedom-loving Cubans to support the aspiration of the Cuban people for self-determination. This is a law, not merely a resolution. It would seem that in the course of recent history we have as a nation broken the law, as well as the spirit of collective defense envisioned by the Organization of American States and the Rio Treaty of Reciprocal Assistance.

The laws, the treaties, the men and machines, and the vital necessity for liberating Cuba are present. It is only determination by the United States that seems to be inadequate.

I do not advocate that the United States be a participant in direct military action in the Caribbean, but we can act as we are acting in Vietnam. We can equip. We can train. We can arm and advise. We are doing this and more in a land 5,000 miles away for a cause ambiguous and ill-defined. We cannot in conscience, in honor, in compliance with the national will, in deference to our myriad commitments, and for our own security, fail to do at least as much in Cuba.

Mr. DOMINICK. Mr. President, I congratulate the distinguished Senator from Wyoming on what I believe to be a superb speech on an extremely important subject, a subject which all Americans have been wrestling with ever since Castro came to power—and certainly in explicit detail ever since the summer of 1962.

I believe that the programs and the points which the distinguished Senator from Wyoming has made—particularly on the need to recognize a government-in-exile, and the amount of time, effort and money being spent in Vietnam compared to Cuba, Vietnam being 5,000 miles away and Cuba only 90 miles away—are important considerations to impinge upon the American conscience and the administration's effort to formulate an adequate policy. I hope it will make some effort to formulate one.

It is a real privilege for me to stand on the floor of the Senate and make a few comments on the same subject.

Mr. President, Cuba, which was granted its independence by the United States on this date in 1902, has gone through many trying and difficult periods. After struggling to maintain their freedom for 50 years, the Cuban people saw their elected government headed by Dr. Carlos Prios give way to the regime of Major General Batista through a military coup on March 10, 1952. Since then, they have not had an opportunity to determine their own destiny through the elective process.

This is particularly significant for us in the United States, in view of the fact that we have enjoyed three presidential elections, six national legislative elections, and countless state and local elections since that date. It is also of significance because this island nation gained its freedom through the actions of the United States, and has since lost its freedom through the lack of action of the United States.

Today, Cuba is an island of horror, and a mere shell of what existed prior to Castro's takeover.

It is an island fortress, stocked and supplied by one or more foreign and unfriendly powers. Its Government has resorted to mass arrests, executions, and the most heinous of crimes against its own citizens, in order to maintain its position of power over the people.

It is, without any question or doubt whatsoever, a staging area, a training ground, and a jumping off point for Communist subversion and sabotage against the entire Western Hemisphere.

This is not a natural role for the Cuban people. They are not by nature subverters of freedom, or saboteurs of foreign governments. They are freedom-loving, honest, and hard-working people who were tricked into believing that Castro was, in fact, interested in bringing about democratic reforms and civil liberties for all Cubans. They know now, however, that Castro lied. Those who have dared speak out against him have found themselves at best imprisoned, and at worst tortured and murdered.

It is difficult for those of us in this country to imagine the terror and privation being experienced by the Cuban people. We forget, for example, that as recently as 1957, just before the Communists came to power, Cuba was ranked fourth among all Latin American countries in per capita income.

Reports coming out of Cuba today indicate a catastrophic drop from that level. We must also realize that in 1958 Cuba was self-supporting in many foodstuffs, such as meat, poultry, fish, fruits, dairy products, and coffee. Reports from Cuba today indicate that not only has the rationing of foodstuffs become progressively more stringent since the Communists gained control, but a ration card is now only a license to search for food, not a guarantee of getting it.

According to a report issued in May, 1962, by the Economic Research Service of the U.S. Department of Agriculture, entitled "Agriculture and Food Situation in Cuba," prior to Castro the Cuban people were among the best fed people, not only in Latin America but in the entire world. This report further states:

> Farm output in the late 1950's was twice the 1935–39 level with an average annual growth of 3.5 percent of the two decades, significantly higher than average population growth of about 2.3 percent for the same period. Furthermore, production for both domestic consumption and export was accelerating just prior to the Castro takeover. Agrarian reform has disrupted production but has neither fulfilled Government promises nor met needs and expectations of the rural people.

There will be little to celebrate on Cuban soil today, but the courageous Cubans still struggling for freedom will undoubtedly be blowing up more bridges, destroying more factories, and disrupting more Communists' plans, even though they must incur the displeasure of this administration to do it. Their efforts to date have, by and large, been scattered and fairly disorganized, if what we read in the press is accurate, but there are signs of unity developing. We must not belittle their efforts. Rather, we should keep in mind the fact that when Fidel Castro waded ashore in his much heralded invasion of Cuba in November of 1956, he had only 82 men with him. This small band of men, many of whom were captured or killed in the earliest stages of the revolution, now control the nation. Such could eventually be the fate of the present Cubans revolting against the Castro Communist regime.

The U.S. Government has made two grievous errors with respect to Cuba, and

appears to be making a third. First, it either had not known of or overlooked Castro's Communist leanings when it gave tacit approval to his anti-Batista revolution. Second, it reneged on what now appears to have been a clear commitment to support, to whatever extent necessary for success, the Bay of Pigs invasion which undoubtedly would have toppled Castro and ended Communist influence in this hemisphere. Now it is committing the gravest mistake of all by doing nothing at all. It is not even making an effort to keep the American people fully informed of the situation so close to our own shores.

There are some highly influential Americans, even in the Senate, who do not seem to view Mr. Castro's actions with alarm, but would instead classify them as mere nuisances. It cannot be a mere nuisance when the largest nation in South America, Brazil, is almost converted into a Communist satellite, and, according to our own State Department, largely through the subversive activities of Cuban trained and supported Communists. Certainly, the new Brazilian Government's breaking off of diplomatic relations with Cuba was a result of more than irritation over a nuisance.

The report of the investigating committee appointed by the Council of the Organization of American States to look into the charges that Cuba is attempting to foment revolution and overthrow Latin American governments, would also indicate that Castro's Communist regime is more than a nuisance. That report states in part:

> The Republic of Venezuela has been the target of a series of actions sponsored and directed by the Government of Cuba, openly intended to subvert Venezuelan institutions and to overthrow the democratic Government of Venezuela through terrorism, sabotage, assault, and guerrilla warfare.

The OAS report goes on to state that—

> An important element in Cuban intervention in Venezuela was the shipment of arms that was found on the Peninsula of Paraguana in the State of Falcon on November 1, 1963, close to the date of the general elections. The shipment was made up of arms originating in Cuba that were surreptitiously landed at a solitary spot on the coast, for the purpose of being used in subversive operations to overthrow the constitutional Government of Venezuela.

Mr. SIMPSON. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I am glad to yield to the Senator from Wyoming.

Mr. SIMPSON. I am well acquainted with the investigatory report written with respect to Venezuela. We have discussed it before, as the Senator knows. I should like to inquire of the Senator from Colorado if he remembers the recommendations and what America has done to implement those recommendations in the report.

Mr. DOMINICK. I remember the recommendations well. One of those recommendations was that we take every means necessary to prevent the export of subversion from Cuba. We have not done a single thing, apparently—and when I say "we," I mean the United States of America—to implement it.

Mr. SIMPSON. That is my understanding. The Senator is making a great contribution to the subject. There is much to be done. There seems to be an apathy on the part of American people that is not understandable to me. I cannot understand why we can stand by and do nothing, and at the same time make no effort to recognize the Cuban government in exile, which has given them the starting point.

Mr. DOMINICK. I appreciate the comments of the Senator from Wyoming. I feel that in an effort to obtain some meaning in the American conscience as a whole, we will need some leadership on this problem in the American Nation which we have not had to date.

Mr. SIMPSON. I congratulate the Senator on the fine statement he has made. I think the statement the Senator made in 1963 was one of the finest statements made to the American people. I compliment him. I think it ought to be read in every quarter, and especially in the State Department.

Mr. DOMINICK. I appreciate the very fine compliment.

These are the statements of a five-nation investigating committee set up by the OAS to find the truth. The nations represented on the investigating committee were Argentina, Colombia, Costa Rica, Uruguay, and the United States. The charges are thoroughly documented in a 112-page report containing photographs, diagrams, maps, and statements from the Venezuelan and Cuban Governments. And, if there is any lingering doubt as to the motives of the Cuban Communists in Latin America, the final two conclusions of this OAS report should eliminate them. They are as follows:

> The policy of aggression on the part of the Government of Cuba was confirmed by the discovery on November 4, 1963, by Venezuelan authorities, of a plan of operations, the "Caracas Plan," prepared for the subversive action of the so-called Armed Forces of National Liberation. This plan anticipated the use of arms similar in type and numerical proportion to the shipment of the arms mentioned in the preceding paragraph. The objective of the plan was to capture the city of Caracas, to prevent the holding of elections on December 1, 1963, and to seize control of the country.
>
> Consequently, the acts of intervention that have been outlined, and, in particular, the shipment of arms, constitute a policy of aggression on the part of the present Government of Cuba against the territorial integrity, the political sovereignty, and the stability of the democratic institutions of Venezuela.

Thus, Mr. President, we see, through the eyes of the OAS investigating committee, a true picture of the aggressive intents of the Castro government in Cuba.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. SIMPSON. At this juncture of the remarks of the Senator from Colorado, I think it appropriate to ask if the Senator does not believe that unless the United States does something to help implement the recommendations in the report, that we stand a good chance of losing good faith with the countries that are signatories to the treaty.

Mr. DOMINICK. I think there is little or no doubt about it. To the degree that the United States recommends inaction, or failing to implement the recommendations, the other countries will feel that we will not support them, and the interest that they have in the recommendations will dissipate.

Mr. SIMPSON. I understand that at the outset the United States was happy to sponsor the committee, and now it seems to have drawn aside from it. I wonder if the Senator will tell us whether the State Department has done anything at all with respect to it.

Mr. DOMINICK. I can tell the Senator from Wyoming that to the best of my knowledge the State Department has not done anything to implement the recommendations of the report. I have had fairly extensive conversations with highly informed sources—I believe that is the technical phrase that the news media use—very recently, as early as today.

Mr. SIMPSON. The Senator evidently has access to some of the same information to which I have access. I am sure it is reliable and authentic. Certainly it is inspired by patriotic motives.

I addressed myself to this report some time ago on the floor of the Senate; little or no attention seems to be paid by the State Department to the recommendations in the report. It is high time for this problem to be brought to its attention for implementation.

Mr. DOMINICK. I completely agree with the Senator, as he well knows. The point I am trying to make—and what the Senator has done in this connection is very important—is that despite the efforts that so many of us have made on the floor of the Senate, for some reason which wholly escapes me, there seems to be a great reluctance on the part of the State Department personnel, or policymakers at the present time to take any action with regard to Cuba, even on such a simple thing as recognizing the government-in-exile, as the Senator so cogently suggested in his talk a few minutes ago.

Mr. SIMPSON. It is not understandable to this Senator, either.

Mr. DOMINICK. I quoted from the OAS report. But there are some other things that might be of interest to the Senators and to the public at large. I refer to certain testimony or statements by Ambassador Farland, former Ambassador to Panama, at a recent meeting in Miami, on April 15, 1964.

At that time Mr. Farland, speaking of the Cuban problem, said:

> I am vitally concerned about the military buildup, the arms buildup and the electronic apparatus, and I think I can speak for the consensus of many of the Latin American diplomats, when they say they speak of full knowledge that today Latin America is in greater danger than it was in October of 1962 when the missiles were in Cuba, itself, and the reason for this is, and I have seen this, there is presently an apparatus moving in and out of Cuba for the purpose of subversion in their home countries.

Former Ambassador Farland in public testimony said that Latin America today is in greater danger from Cuba than it was in October of 1962.

According to former U.S. Ambassador to Brazil and Peru, William D. Pawley, it is the opinion of those who followed

the Cuban problem closely that the missiles in Cuba during the October crisis of 1962 were not all removed. As most Senators know, there has been public testimony from the head of the CIA that at the present time it is impossible for the CIA to say whether all of those missiles were removed.

There is another bit of evidence which I think is pertinent and important. This is from the statement of Mr. Luis Ferre, Puerto Rican industrialist, author, and former member of the Puerto Rican House of Representatives:

I know from absolutely dependable sources that there are 10,000 Cubans right now studying in Czechoslovakia and Russia. Ten thousand young men are studying and being indoctrinated. They are trying to take people from Puerto Rico to indoctrinate them. They are sending people from Latin America into Cuba for indoctrination in Communist subversion.

I noticed in a news release concerning Senator SMATHERS' speech on this subject earlier today, that apparently some infiltrators have moved into Puerto Rico and are at present in our own Puerto Rican mountains. They are opposed to our Government. They are trained and have been infiltrating Puerto Rico from Cuba. And still we do nothing.

We need not even look to such sources to find the true meaning of Cuban communism. We can find that in the very words of the Cuban Communists themselves. For example, according to a recent edition of the weekly report published by the Truth About Cuba Committee, Inc., of 646 SW 12th Avenue, Miami, Fla., Ernesto "Che" Guevara said on March 14, 1964:

When all our comrades understand that each individual means little, that their strength is the collective strength, when they understand clearly that their personal knowledge, their personal ability have no significance.

And so on. This is a far cry from what we believe in this country. It is evident to all of us that no responsible leader could so discount the importance of the individual in a free society.

There can be no question in anyone's mind over the situation in Cuba.

There can be no doubt in anyone's mind over the motives and goals of the Cuban Communist Government.

I think it quite appropriate that on this serious and symbolic commemoration of the 62d Anniversary of Cuban Independence, we consider several questions recently put to the panel members of the Party to People Forum which was sponsored by the Republican Party in Miami, on April 15, 1964. These questions were posed by Dr. Fernando Penabez, a lecturer and author, and probe right into the very heart of U.S. policy with respect to Communist Cuba. The questions are as follows:

No. 1: "Will the U.S. Government continue to maintain units of its naval and air forces patrolling Cuban waters for the express purpose of protecting Cuba's Communist regime from attacks by Cuban patriots?"

Parenthetically, it seems to me that when someone asks us, as representatives of the people, "Are you going to continue to sell arms and equipment to Cuba and prevent us from regaining control of our island?" we have certainly gone far afield from our original effort of trying to control the exportation of communism from Cuba. I continue to read:

No. 2: "Has the U.S. Government definitely thrown the Monroe Doctrine into its foreign policy trash basket?"

No. 3: "Will the U.S. Government continue to ignore and deny its solemn and legally binding pledges to effectively oppose the establishment of Soviet Russia and other Communist regimes in the Americas as specifically ordered in the Treaty of Rio de Janeiro, the Bogotá Pacts and other implementing inter-American pacts and covenants; that is, does the United States no longer honor its own treaties when they pertain to the freedom and independence of the Americas?"

Again I emphasize that these are not my questions; they were questions asked by Dr. Fernando Penabez, a distinguished lecturer, who knows what is taking place.

Mr. SIMPSON. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I am glad to yield to the Senator from Wyoming.

Mr. SIMPSON. Does not the Senator agree that probably a fourth valid question could be: Will the United States continue to throw a hot-air blockade around Cuba while selling wheat to Communist Russia for transshipment to Cuba?

Mr. DOMINICK. I fully agree with the Senator from Wyoming. I can only say that that was not one of Dr. Penabez' questions. He asked some others. His fourth question was:

No. 4: "During the last 3 years the U.S. Government has persistently refused to exert leadership within the Organization of American States and has delegated this leadership to nations such as Mexico and Venezuela, and will this policy continue?"

No. 5, which is a very interesting question—and I call it specifically to the attention of Senators and others who wish to read it, because I believe it is most important:

Now that the topmost leader of the Foreign Relations Committee of the U.S. Senate has officially admitted that Russian military and political control of 44,000 square miles of Cuban territory is a mere nuisance, will the U.S. Government accept this position regarding the existence in Cuban waters around El Fraile north of Havana Province, between the towns of Jibacoa and Santa Cruz del Norte of the deadly Golem II atomic missile?

The Golem II is designed to be launched from the ocean floor. It has a range of 1,200 nautical miles. It is towed in cannisters two or three at a time, and it can be launched by a submarine or by the Cuba-based trawler fleet which now also sails with great impunity 3 miles away from the beaches and shores of the eastern coast of the United States.

The Golem II's are in Cuba now at this moment, and I have a reliable map that is fully substantiated, which I would gladly give to this panel, indicating where those missiles are at this very moment.

The question is: What, if anything, are we doing to determine the accuracy of these charges? And if they are true, or are even impliedly true, what are we doing to protect the security of the United States from attacks by missiles of this kind?

In that connection, on May 18—2 days ago—I placed in the RECORD, as appears on page 11182, an intelligence report on Cuba, which I had just received, a part of which is worth emphasizing now:

Matanzas Bay is so deep, that the submarines do not have to surface in order to reach the pens, which are provided with a special system of gates controlling the flow of water. The pens are finished, but we do not have, as yet, any evidence of Soviet submarines operating from this base.

The point I wish to make, deviating somewhat from my principal statement, is that these charges are sufficiently serious and have been made in sufficient numbers to raise, once again, not only the question of the security of Latin America and South America, by virtue of the export of subversion, but also the question of the security of the United States itself from a possible premeditated and wholly undiscovered system of bases from which missiles can be launched.

It seems to me that these questions and the information we have received are serious enough to warrant detailed, explicit answers from the administration.

Many concrete and constructive proposals concerning the Cuban situation have been made on the floor of the Senate over the last year, but this administration has chosen to ignore them. The time is coming very quickly when we shall be forced to take more positive action than has heretofore been the case, or else stop talking about the preservation of freedom and liberty.

If this Government is to commit our young men, our national prestige, and our military and economic might to the preservation of liberty in Asia then we can do no less in the Americas.

I join with so many other Senators in urging this administration again to develop a positive policy, inform the American people of it and move to implement it.

The administration will have my wholehearted support, as I am certain it will have the support of all Members of Congress, in any positive action it undertakes to bring about the preservation and reinstatement of freedom and independence to long-suffering Cubans.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, the able Senator from Wyoming [Mr. SIMPSON] has performed a distinct service by his brief but penetrating analysis of the Cuban question. It is altogether fitting that on the 62d anniversary of Cuban independence, the American people should be reminded of the genesis and status of the Cuban situation.

It was the United States which voluntarily undertook to achieve and maintain Cuban independence from foreign domination. This undertaking was not altogether altruistic, for the relative size and location of Cuba and the United States made Cuban independence of foreign domination second in importance to American security and welfare only to that of the Cubans themselves.

As a matter of right, Cubans who have been driven from their island homes should be permitted to take any steps they can devise and execute to free Cuba from its yoke of foreign oppression.

As a matter of right, under international law and justice, any nation or nations of the Western Hemisphere are free to assist in the overthrow of the Communist-satellite regime in Cuba.

As a matter of justice and of self-imposed and accepted responsibility, the United States has an obligation to bring its resources and influence to the cause of the expulsion of communism from Cuba and the reestablishment of freedom in Cuba. To obstruct Cuban efforts against Castro, whether or not we judge them to be effective, is to turn our backs on solemn national obligations and revered principles of justice.

More than 62 years ago, the United States accepted responsibility for Cuban independence and freedom. Not only did the United States go to war for this commitment, but in later years we repeatedly sent troops to Cuba, to guarantee that our commitment was kept.

We are now, and for more than 5 years have been, in default of our long-accepted responsibility for Cuban independence. Our reasons for accepting and undertaking this responsibility are more cogent and pertinent today than ever before.

Action to purge ourselves of this default cannot come too soon. All the people of the Western Hemisphere, and, indeed, all the freedom-loving people of the world, will welcome a return by the United States to a policy of responsibility accepted and obligations performed.

Mr. President, in closing, again I commend the able and distinguished Senator from Wyoming for his illuminating and penetrating address on this subject, which is of vital importance to the people of the United States.

Mr. ALLOTT. Mr. President, the distinguished Senator from Wyoming [Mr. SIMPSON] has just made a very important speech on Cuba. His remarks were followed by remarks by my distinguished colleague [Mr. DOMINICK]. As I proceed, I shall discuss phases of both of their speeches. My distinguished colleague has again called attention to the logistics of the situation in Cuba, as he has done on several previous occasions on the floor of the Senate.

Earlier last spring, in a very wonderful speech in the Senate, he called attention to the manner in which communism was being exported to South America, and explained specific means and methods which were being employed.

He has followed up that speech today with another speech which has also given the logistics of the situation in Cuba. Many of us have heard the figures and facts which he has recited to the Senate today. These have been denied by the State Department from time to time, and yet reliable information keeps coming to Senators which completely corroborates the information which he has given to the Senate. Some time the State Department of the United States should start listening to those facts.

I was particularly impressed with the remarks of the distinguished Senator from Wyoming [Mr. SIMPSON] who said, along the lines of my colleague's speech, that Cuba has relentlessly labored to export revolution. How can we in this country say that Cuba is not a menace and go blithely along, when a country, 90 miles from our shores, is exporting revolution and has at least participated in revolution in six countries of Latin America?

I am particularly struck by the comments which were made by the distinguished Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Committee on Foreign Relations, who said on March 25:

> The prospects of bringing down the Castro regime by political and economic boycott have never been very good. Even if a general free world boycott were successfully applied against Cuba, it is unlikely that the Russians would refuse to carry the extra financial burden and thereby permit the only Communist regime in the Western Hemisphere to collapse. We are thus compelled to recognize that there is probably no way of bringing down the Castro regime by means of economic pressures unless we are prepared to impose a blockade against nonmilitary shipments from the Soviet Union. Exactly such a policy has been recommended by some of our more reckless politicians, but the preponderance of informed opinion is that a blockade against Soviet shipments of nonmilitary supplies to Cuba would be extravagantly dangerous, carrying the strong possibility of a confrontation that could explode into nuclear war.
>
> Having ruled out military invasion and blockade, and recognizing the failure of the boycott policy, we are compelled to consider the third of the three options open to us with respect to Cuba: the acceptance of the continued existence of the Castro regime as a distasteful nuisance but not an intolerable danger so long as the nations of the hemisphere are prepared to meet their obligations of collective defense under the Rio Treaty.

What I am afraid of, and what I believe every American is afraid of, is that that statement represents the thinking of the State Department. Do we have to accept the third of those three options—the continued existence of the Castro regime? I do not believe that we do. We will not have any such thing as "collective security" in this country, nor the thing that was referred to in the speech of the Senator from Arkansas as our being prepared to meet their obligations of collective defense until the United States has the will and the backbone to lead the way to the destruction of Castro.

I continue to read from the same speech by the Senator from Arkansas:

> I think that we must abandon the myth that Cuban communism is a transitory menace that is going to collapse or disappear in the immediate future, and face up to two basic realities about Cuba: first, that the Castro regime is not on the verge of collapse and is not likely to be overthrown by any policies which we are now pursuing or can reasonably undertake; and second, that the continued existence of the Castro regime, though inimical to our interests and policies, is not an insuperable obstacle to the attainment of our objectives, unless we make it so by permitting it to poison our politics at home and to divert us from more important tasks in the hemisphere.

Mr. President, is it an insuperable obstacle to the attainment of our objectives if we pay no attention to it? The State Department and the President owe it to the people of our country to tell them what our aims, our objects, and our methods will be with respect to Cuba.

We had a blockade, but we have gone backward from the so-called agreements of 1962. Instead of having strengthened our position, we have gone backward.

A few weeks ago we heard that the Russians were moving all of their troops out of Cuba. The fact is that today Cuba is the most powerful country, militarily, in the Western Hemisphere, except for the United States. Intelligence sources—and good ones—estimate that in Cuba there are at least 150 coastal defense missiles, 12 missile launching torpedo boats, 5 surface-to-air missiles, 100 MIGS, 200 modern radar stations, 75,000 regular troops, and another 200,000 militia and home guardsmen. The Cuban Army is fully equipped with modern Soviet weapons, many of which, by the way, came from Czechoslovakia, including thousands of tanks, field artillery pieces, and antitank weapons.

How much longer can we as a sane and sensible people accept that condition 90 miles from our shore and say that it constitutes no menace to us?

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the distinguished Senator from Wyoming.

Mr. SIMPSON. Does the Senator from Colorado remember the elaborate precautions that were taken to protect the life of our President when he was in Florida recently on a political junket? The security agencies of our Government used all the means at their command to protect him against threats upon his life by the Cuban Air Force.

Mr. ALLOTT. I am aware of the accounts that were printed in the newspaper.

Mr. SIMPSON. Does the Senator from Colorado feel that Castro merely constitutes a nuisance when we are required to take such precautions as that, or does the State Department feel that there is no great peril which extends to us from this little island which is 90 miles off our shores?

Mr. ALLOTT. I agree with my friend from Wyoming. However, I do not wish in any sense to seem to be critical of the precautions which were taken to protect our President.

Mr. SIMPSON. No.

Mr. ALLOTT. Such precautions should be taken. The fact that such extreme precautions had to be taken is indicative of the situation of which the Senator has spoken.

Although a subcommittee of the Senate Armed Services Committee placed the number of Soviet troops in Cuba last year at 17,500, there is reason now to believe that the number is much greater than that. I personally believe that it is. We have allowed the initiative that we had grasped in 1962 to slip away from us. We have retired from our position to have on-site inspection by the United Nations of the missiles in Cuba. We finally ended up with an inspection by U–2's, one of which was subsequently shot down.

Our economic embargo on Cuba has been a flop due to the lack of cooperation on the part of our allies. It rankles me to think of how we have protected our allies throughout the whole breadth and scope of this world, and yet, with the billions of dollars and with the lives of the men that we have lost and are losing today—at this very minute in South Vietnam—when a clear and present danger exists within 90 miles of our shore, our allies will not even cooperate to the extent of limiting shipments there and refraining from taking a profit from trading with our enemy. Of those 66 nations of the free world that have vessels involved in the Cuban trade, about 54 of them receive aid from the United States. It is almost incomprehensible that such a situation could exist.

If we wonder why we are unable to coalesce Latin America, if we wonder why we are unable to bring them into a solid group opposing Castro communism, we need only to look at our policy of granting aid to those 54 Nations who are trading with Cuba for the answer. If this country is soft enough and foolish enough to provide them with foreign aid while our friends refuse to cooperate in an economic blockade, how can we expect them to accept our leadership in creating Western Hemisphere unity to expel communism from Cuba and this hemisphere.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. ALLOTT. I am glad to yield to the distinguished Senator from Colorado.

Mr. DOMINICK. I think the comments the Senator is making are of real importance, because they point up to one angle of the problem we got into when we started negotiating with the Communist Government of Russia to supply it with certain supplies and equipment, including wheat. After having agreed to supply Russia, how can we say to our allies, "You cannot supply Cuba," when we are supporting the head of the monster? I think the points the Senator is making are extremely good and very powerful in this connection.

Mr. ALLOTT. I appreciate the remarks of my colleague, because he has taken such a strong interest in this subject for so long, and has brought to the attention of the Senate so many facts. If the State Department had read any of the lengthy discussions that have taken place on the floor of the Senate during this year, not only by my distinguished colleague, the Senator from Wyoming, but many other Senators whom I shall not name at this time, it is peculiar that the State Department has not been able to react.

The point the Senator has made is a good one. As soon as this country entered into the so-called wheat deal with Russia, from that moment on every one of our allies throughout the world has been breaking its back to trade with Communist Cuba. So by taking that step we have helped to precipitate a breakdown of one of the two ways by which we could have destroyed Communist Cuba—an economic blockade or embargo.

Let me make two or three suggestions, although I have no hopes that the State Department will wake up enough or increase its cerebrations enough in the next few months to recognize the situation. The officials of the Department sit and watch the tortoise whiz by. It is about time for someone in the Department to get the idea that events do move and that delay works to the advantage of Castro.

I cannot help reminding my colleagues, although it may be slightly irrelevant, that one of the ways in which we salved our consciences in 1956 for not helping the Hungarian revolution was by saying, "It is so far away that we could not possibly do it." From a practical sense, that may have been true. It may have been difficult. But those who tremble and cry in fear, as the speech of the distinguished Senator from Arkansas seems to imply—namely, the myth doctrine—are doing this country a great disservice.

I suggest, first, that we recognize a provisional government, as the Senator from Wyoming has again suggested. We have an opportunity to do so on Guantánamo. That suggestion was made by the senior Senator from Colorado this year. We had an opportunity, and still can establish a provisional government, or permit the Cubans to establish a provisional government, right on their own soil—Guantánamo. Some of the best experts in this country say it would not be violating our treaties or understandings with Cuba.

It could have been done when the water was cut off. Instead, we said, "We can haul water in, so really we are not hurt."

Second, this country should give aid similar to that being given to South Vietnam. We certainly should give aid to Cubans who want to go back and rescue their country from Castro. I see no reason why the U.S. Government should fail to do it.

Free Cubans should be aided in telling the sordid story of Communist Cuba in other Latin American countries. This would be the most effective countermeasure to Castro propaganda in Latin America.

Through our own leadership, travel between Cuba and other Latin American countries should be stopped, regardless of what steps we must take to stop it. This is a necessary step in preventing further exportation of Castroism in Latin America.

I cannot believe that we have not the nerve, the wealth, the materiel, and everything else necessary, when we have been spending $50 billion each year on defense for years. I do not see how we can believe that Khrushchev would start a major world conflict over Cuba.

Next, I think we should call a diplomatic conference of the free world nations for the purpose of placing a complete trade embargo on Cuba. Our sacrifices of men and materiel for the protection of our allies has earned us the right to ask for their support in this.

Again, I think we should reconsider, and I think we will reconsider during our deliberations on the foreign aid bill, the cutting off of aid to those countries which will not give us support in such a trade embargo on Cuba.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. DOMINICK. At the recent Party to People Forum held at Miami, from which I quoted in my own speech, one of the questions asked from the floor was, "Do you think we ought to recognize a government in exile?" Every single member of the panel said, "Yes. This is one of the first steps we ought to take," as was so eloquently advocated by the Senator in his very fine speech a year ago.

I see present in the Chamber one of our own colleagues who was present at the Party to People Forum, the Senator from Kentucky [Mr. MORTON]. I hope he can give us a little insight as to who was there, what their qualifications are, and what was of concern to those who were asking questions on our Cuban policy. It should be of interest to know that some ambassadors were supporting what the Senator has advocated.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MORTON. There was a very interesting meeting at Miami. Former Ambassador Pawley was present. Mr. Farland, former Ambassador to Panama, was present. They were absolutely agreed on the position that the senior Senator from Colorado and other Senators took a year ago, that this action had to be taken.

One sidelight of the Miami meeting which I do not think has come to the fore, and which I think is rather important, is that we sweep the subject of Cuba under the rug. If two young boys climb the wall in Berlin, and one is shot and the other gets away, that event will be headlined in every newspaper in America. That is important, as it should be. Yet 16 people can leave Cuba in a 14-foot boat and get to Florida, 2 of them alive and the rest dead, and, outside the Miami press, no note is taken of it in the newspaper.

The Cuban people are just as interested in preserving their freedom as other people are. Yet we seem to sweep this matter under the rug because Cuba has become to us a nuisance. I believe it is important, whatever we do, to get across to the American people the great heroic efforts being made today by the Cuban people themselves in trying to gain their freedom.

We—Members of the Senate, and the press of the country—are playing it down too much, because it is a nuisance. Therefore, we do not wish to build it up.

I commend the Senator from Colorado [Mr. ALLOTT] on what I believe to be a great statement.

Mr. ALLOTT. I am deeply appreciative of the remarks of the Senator from Kentucky, as well as those of my colleague the Senator from Colorado [Mr. DOMINICK] and the Senator from Wyoming [Mr. SIMPSON].

The attempt to sweep Cuba under the rug will never succeed. It will continue to be a thorn in our side until we do something to stop it, because only we can supply the leadership to the other Latin American countries which is necessary to coalesce the determination to sweep communism out of this hemisphere. We can vacillate, we can waver, we can ignore our duty to supply that leader-

ship for as long as we wish, but the problem will not go away.

I hope that this matter will come to the attention of the press, and thus into the minds and consciousness of the American people, because I am satisfied that most Americans are as deeply concerned about this question as any other which faces us in the field of international affairs, if not more so.

HOW HANDICAPPED WORKERS ARE PROVING THAT ABILITY COUNTS

Mr. PASTORE. Mr. President, some young Americans who have contributed something worthwhile have recently visited Washington as winners of State awards in a contest sponsored by the President's Committee on Employment of the Handicapped.

For 16 years the high schools of the country have been participating in an essay contest based on a realistic community survey under the patronage also of committees of the individual State Governors and the AFL–CIO.

This year the theme was "How Handicapped Workers in My Community Are Proving That Ability Counts."

In the State of Rhode Island the winner in a brilliant field was Miss Catherine Flaherty, a 16-year-old student at Mount Pleasant High School, Providence, whose English teacher is Robert G. MacLean. She is the daughter of Mr. and Mrs. Edward Andreas, of 118 Waverly Street, Providence.

A winner of a $100 savings bond and of the trip to Washington as a guest of the AFL–CIO, she has been hosted here also by the Disabled American Veterans and in the festivities that included their presence at the White House, it has been a personal and official pleasure to welcome Miss Flaherty to the Capitol. As a lasting memorial of this year's contest and as a fruitful thought for all of us, I ask that the essay by Miss Flaherty be printed in the RECORD as a part of my remarks.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

HOW HANDICAPPED WORKERS IN MY COMMUNITY ARE PROVING THAT ABILITY COUNTS

(Written by Catherine Flaherty, 118 Waverly Street, Providence, R.I., age 16, Mount Pleasant High School, Providence, R.I.)

No job requires the use of all the physical, mental, or emotional capacities of human beings. This is a fortunate fact as no man or woman is physically, mentally, and emotionally perfect.

Each of us is fit to do certain jobs, but equally unfit to do others. Occupationally speaking, we are normal workers in relation to the jobs we can successfully perform. We are handicapped workers in relation to the jobs we are physically, mentally, or emotionally unable to handle successfully. In my studies I have come to the conclusion that there is no job which cannot be adequately filled by one or the other so-called handicapped workers. If placed in the proper job, no worker can be justly considered handicapped. Only workers placed in the wrong job, one which does not match their physical, mental, and emotional makeup, are occupationally handicapped. Qualifications rather than disabilities really determine which jobs we are equipped to fill in competition with other workers.

Personnel men know that it is rare to perfectly place the right worker in the right job. Yet this type of placement is the goal that personnel directors try to obtain for every "normal" employee and job applicant. This goal is just as possible with respect to the handicapped. Like the rest of us, their particular abilities and limitations differ and make them unfit for certain types of jobs, but fully capable of holding others. If the handicapped did not have the loss of an eye, leg, or other disability, there would be additional jobs that they could do. This is true also with normal workers. If they only had faster reflexes, or mathematical ability, an ounce more of energy, or mechanical as well as intellectual ability, they too would have a wider range of jobs to choose from. There are many things which make a good worker, such as education and experience. After doing some research, I found that most handicapped workers have had a good education and often experience on professional jobs.

The handicapped workers in my community are proving that their defects do not impair their working capacity. There is evidence that handicapped workers, because of their handicaps, actually are more productive workers than the nonhandicapped. They work harder to keep their position there by producing a greater hourly output. They are seldom late or absent, and they are extra careful not to get into an accident, therefore making their accident rate lower. The handicapped are proving their ability through extra effort. They are helping their employer to realize it is the abilities a person has that count and not the disabilities.

ORDER FOR RECESS UNTIL NOON TOMORROW

Mr. HUMPHREY. Mr. President, earlier today the majority leader requested and received consent to have the Senate, when it concluded its business today, recess until 10 a.m. tomorrow.

I should like to modify that request, and ask unanimous consent that when the Senate completes its business today, it stand in recess until noon tomorrow, Thursday, May 21, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. BYRD of Virginia. Mr. President, the Constitution of the United States holds it to be a fundamental right that persons accused of criminal acts may be tried by jury.

The pending bill is called a civil rights bill. The business immediately before the Senate is the Smathers amendment, which deals with trial by jury—which is one of the most fundamental civil rights of all.

There can be no doubt that the advocates of the bill want violations of provisions of the bill evaluated as criminal, but they wish to avoid giving persons accused of violating provisions of the bill a trial by jury.

As usual in so-called civil rights bills, advocates of H.R. 7152 resort most frequently to contempt injunctions as a means of avoiding the trial-by-jury protection afforded by the sixth amendment to the Constitution.

Abuse of the sixth amendment in so-called civil rights legislation is becoming almost as infamous as abuse of the "fifth" by the criminal and Communist elements in this country.

Proponents of the bill before the Senate call it the civil rights bill. They fill the newspapers, the television, the radio, and all other media with their impassioned pleas for civil rights. The impression is left that anyone who opposes the proposed legislation must be a man without a sense of justice.

To people who think of civil rights as those rights established in the bill-of-rights amendments to our Constitution, it must be the height of contradiction to see advocates of a so-called civil rights bill tampering with the constitutional right to trial by jury, and opposing inclusion of provisions guaranteeing it.

The right to trial by jury, when a person is accused of a crime, is one of the most fundamental of all rights guaranteed to people of the United States. The pending amendment—No. 577—submitted by Senator SMATHERS simply seeks to protect this right for persons who, whether they are innocent or not, are accused of crime under the pending bill.

The Smathers amendments read as follows:

On page 2, beginning with line 1, strike out all through line 9 on page 3.

On page 3, between lines 9 and 10, insert the following:

"TITLE XI—CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY"

On page 3, line 10, immediately before "In", strike out the single quotation mark and insert in lieu thereof "SEC. 1101."

On page 3, line 10, beginning with "for willful", strike out all through line 16, and insert in lieu thereof the following: "arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, the accused, upon demand therefor, shall be entitled to a trial before a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases."

On page 3, line 17, strike out the single quotation mark before "This".

On page 3, line 19, immediately after "justice", insert the following: "or to place the integrity of the court in direct and immediate jeopardy".

On page 3, beginning with line 22, strike out all through line 4 on page 4.

On page 4, line 5, strike out "1103." and insert in lieu thereof "1102.(a)".

On page 4, strike out line 7 and insert in lieu thereof the following: "amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: " 'Provided further, That in any such proceeding for criminal contempt, the accused, upon demand therefor, shall be entitled to a trial before a jury, which shall conform as near as may be to the practice in other criminal cases: Provided further, however, That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days.'

On page 4, between lines 7 and 8, insert the following material in double quotation marks:

(b) Section 151 of part V of such Act is hereby further amended by inserting, immediately after "justice" in the second paragraph thereof, the following: "or to place the integrity of the court in direct and immediate jeopardy,".

The Smathers amendment is one of a series of amendments which have been offered as substitutes for the original trial by jury amendment offered by Senator TALMADGE. The Talmadge amendment would simply guarantee the right of trial by jury as contemplated by the Bill of Rights, without any "ifs, ands, buts," or limitations. But the proponents of the bill do not want that kind of civil right in their so-called civil rights bill.

Such contradictions as this are characteristic of so-called civil rights legislation which invariably seeks special rights for the few, at the sacrifice of fundamental rights by all. Unfortunately, many unsuspecting good citizens—in their natural gentility—are led down a primrose path which is full of the pitfalls of paradox.

These jury trial amendments are being offered to a bill in which the stated purpose is to outlaw discrimination. But those who drafted the bill deliberately avoided defining discrimination. If the bill were passed, discrimination could be defined—perhaps differently—in each separate case as it developed.

And after discrimination—for whatever it is—is outlawed, the crime would be defined by two civil rights commissions, other Federal bureaucrats, the Federal Attorney General, and Federal judges. It could be expected that the definition might change from case to case.

But this is not all. The bill is marked by a studied effort to deny trial by jury to those accused of the undefined crimes of discrimination. The manner in which people may be accused, and the nature of the trial is different in pertinent sections of the bill.

Title I is the so-called voting rights title. Under this, the accused might be tried by a stacked court of three hostile judges. Here are the applicable provisions in title I—page 4, line 15:

In any proceeding instituted in any district court of the United States under this section the Attorney General or any defendant in the proceeding may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case.

Page 5, line 10:

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case.

Title II is called the injunctive relief against discrimination in places of public accommodation. Here we return to the old scourge of trial by injunction. This is what we fought so hard against in 1957. Here are the pertinent provisions contained in title II—page 9, line 15:

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he satisfies himself that the purposes of this title will be materially furthered by the filing of an action.

Page 11, line 1:

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

Page 11, line 15:

Proceedings for contempt arising under the provisions of this title shall be subject to the provisions of section 151 of the Civil Rights Act of 1957 (71 Stat. 638).

Title III outlaws segregation of public facilities—Federal, State, and local; and here is how the crime is charged, and how the charge is disposed of—page 11, line 20:

Whenever the Attorney General receives a complaint signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied access to or full and complete utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

Title IV outlaws segregation in education, and here again we run into the combination of the Federal Attorney General and the Federal court. Here is what the title says—Page 17, line 2:

(a) Whenever the Attorney General receives a complaint—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived of the equal protection of the laws by reason of the failure of a school board to achieve desegregation, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,

and the Attorney General certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly achievement of desegregation in public education, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

Title V renews and expands the Civil Rights Commission, and here is what the title provides—page 24, line 19:

In case of contumacy or refusal to obey a subpena, any district court of the United States or the U.S. court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Title VI is called nondiscrimination in federally assisted programs. This is the title which empowers Washington bureaucrats to cut off taxpayers' money from any so-called federally assisted programs or projects. It invokes provisions of the Administrative Procedure Act, which I shall discuss later. But

here is what the language of the title says—page 27, line 8:

Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

Title VII is the FEPC title. It establishes the FEPC commission to deal with business, and here is what it says with respect to the kind of charges and trials business may expect—page 40, line 19:

The Commission (may) bring a civil action to prevent the respondent from engaging in such unlawful employment practice.

(c) If the Commission has failed or declined to bring a civil action within the time required under subsection (b) the person claiming to be aggrieved may, if one member of the Commission gives permission in writing, bring a civil action to obtain relief as provided in subsection (e).

(d) Each U.S. district court and each U.S. court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such actions may be brought either in the judicial district in which the unlawful employment practice is alleged to have been committed or in the judicial district in which the respondent has his principal office * * *.

(e) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and shall order the respondent to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as may be appropriate.

Page 42, line 17:

(f) In any case in which the pleadings present issues of fact, the court may appoint a master and the order of reference may require the master to submit with his report a recommended order. The master shall be compensated by the United States at a rate to be fixed by the court, and shall be reimbursed by the United States for necessary expenses incurred in performing his duties under this section. Any court before which a proceeding is brought under this section shall advance such proceeding on the docket and expedite its disposition.

(g) The provisions of the act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101–115), shall not apply with respect to civil actions brought under this section.

(h) In any action or proceeding under this title the Commission shall be liable for costs the same as a private person."

Title IX is called procedure after removal in civil rights cases. This title handcuffs State court action in so-called civil rights cases. The language in the bill requires explanation, and we shall reach the explanation in due course. But here is the language of title IX—page 51, line 19:

Title 28 of the United States Code, section 1447(d), is amended to read as follows: "An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

The Talmadge amendment would add a new title near the end of the so-called civil rights bill to provide trial by jury for proceedings to punish criminal contempts in cases before Federal courts.

The amendment was offered Tuesday, April 21, 1964, by Senators TALMADGE, ERVIN, ROBERTSON, THURMOND, and STENNIS. It is identical to an amendment adopted by the Senate by a 51 to 42 vote on August 1, 1957. The 1957 amendment adopted by the Senate was sponsored by Senators: O'Mahoney, of Wyoming; Jackson, of Washington; Magnuson, of Washington; Mansfield, of Montana; Murray, of Montana; Bible, of Nevada; Kennedy, of Massachusetts; Pastore, of Rhode Island; Lausche, of Ohio; Malone, of Nevada; and Young, of North Dakota.

Unfortunately, the amendment was compromised in conference, but the Talmadge amendment provides an opportunity for the Senate to adopt it again, if the substitute amendments are rejected. I ask unanimous consent that the Talmadge amendment, as approved by the Senate in 1957, be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 54, between lines 7 and 8, insert the following new title:

"TITLE XI—AMENDMENT TO THE FEDERAL CRIMINAL CODE TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS IN CASES IN FEDERAL COURTS

"SEC. 1101. Section 402 of title 18 of the United States Code is hereby amended to read as follows:

"'§ 402. Criminal contempts

"'Any person, corporation, or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of six months.

"'This section shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

"'Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.'

"SEC. 102. Section 3691 of title 18 of the United States Code is hereby amended to read as follows:

"'§ 3691. Jury trial of criminal contempt

"'In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases.

"'This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

"'Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.'

"SEC. 1103. Section 151 of part V of the Civil Rights Act of 1957 (71 Stat. 638; 42 U.S.C. 1995) is hereby repealed."

On lines 15, 16, and 17 of page 11, strike out subsection (c) of section 205.

On line 8 of page 54, change the designation of title XI to title XII.

On lines 9, 14, 22, and 24 of page 54, change the designations of sections 1101, 1102, 1103, and 1104, to sections 1201, 1202, 1203, and 1204, respectively.

Mr. BYRD of Virginia. Mr. President, I am fully aware of the legalistic arguments lawyers can get into about civil and criminal contempt. They can make it sound simple to distinguish between the two; or they can confuse intelligent people. I had some personal experience with legalistic distortions on this subject in 1957, when I was cosponsor of a bill designed to clarify the distinction between civil and criminal contempt.

I shall refer later to this personal experience, but at this point I quote Representative EMANUEL CELLER, chairman of the House Judiciary Committee, and discuss briefly the 1957 compromise, which was substituted in conference for the Senate trial-by-jury amendment.

Representative CELLER, appearing before the House Rules Committee on January 9, 1964, to testify in behalf of the bill now pending before the Senate, was called upon to distinguish between civil contempt and criminal contempt. He made it both simple and difficult. He made it nice and clear; and I quote him directly. He said:

If, for example, in a court somebody makes a disturbance, or makes an accusation against a judge, or is guilty of some improper decorum, and the judge wants to find him in contempt, that would be civil contempt.

He also said:

Criminal contempt would be where a judge issues an order, that the person accused should cease practicing discrimination and he deliberately refuses to cease practicing discrimination, that would be a criminal contempt.

The distinguished chairman of the House Judiciary Committee, in the same statement, said also:

That is a very thin difference between the two.

In view of the way that contempt proceedings are being used by the modern-day Federal judiciary, and particularly in connection with their more recent application to civil rights cases, it is interesting to take a brief look at history. For this historical reference, I invite the Senate's attention to pages 24 and 25 of the U.S. Supreme Court decision of April 6, 1964, in the case against former Gov. Ross Barnett, of Mississippi. The Court said:

The available evidence seems to indicate that (a) at the time of the Constitution criminal contempts triable without a jury were generally punishable by trivial penalties, and that (b) at the time of the Constitution all types of "petty" offenses punishable by trivial penalties were generally triable without a jury. This history justifies the imposition without trial by jury of no more than trivial penalties for criminal contempts. The Court, in light of the history reviewed here and in the Appendix to the opinion of the Court, has failed sufficiently to take into account the possibility that one significant reason why criminal contempts were tried without a jury at the time of the Constitution was because they were deemed a species of petty offense punishable by trivial penalties. Since criminal contempts, as they are now punished, can no longer be deemed a species of petty offense punishable by trivial penalties, defendants' constitutional claim to trial by jury should not be denied on the authority of the history of criminal contempt at the time of the Constitution nor on the authority of the past decisions of this Court which relied on that history. Their claim should be evaluated by analyzing the real nature of criminal contempts and applying the policy of the constitutional requirement of trial by jury in "all crimes" and "all criminal prosecutions."

So that they may not be disregarded, let me quote for the record, amendments 4, 5, and 6, from the Bill of Rights, in the Constitution of the United States. They provide:

AMENDMENT 4

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT 5

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

From the tone of the demands by advocates of the prohibitions in the pending bill, it does not seem that they would regard violations as trivial. It follows that they must evaluate them in the more serious category of criminal acts. If this is the case, there can be no justification for anything short of trial by jury.

But when the Senate properly provided for trial by jury in civil rights contempt cases in the 1957 bill, it was compromised—in conference—into nonsense, or something worse. As those conference provisions came out—and now stand in the law—a person accused of contempt in civil rights cases must be convicted by the judge trying the case, without a jury, and the sentence announced, before he is allowed to claim his right to trial by jury.

Section 151 of the so-called Civil Rights Act of 1957—the present law—reads as follows:

In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

As may be seen from reading the law, the accused may be deprived of his right to trial by jury if the judge chooses to fine him $299.99, or sentence him to prison for 44 days, 23 hours, and 59 minutes, or give him the combination of both.

The attitude of proponents of so-called civil rights legislation against trial by jury was demonstrated in 1957, and it is being demonstrated again with respect to the pending bill in 1964. They even go so far as to contend that the pending bill "contains no primary criminal penalties."

But it is not difficult to question the accuracy of this contention; and the proponents of the bill strain both the logic and the proof of their contention by the emphasis they place on penalties for violation and the means they take to avoid trial by jury.

On the contention that the pending bill contains no criminal penalties, let me quote from Representative RICHARD H. POFF. Representative POFF represents the Sixth District of Virginia. He enjoys the reputation of a fine lawyer. He has been a member of the House Judiciary Committee ever since he has been in the House of Representatives.

When testifying before the House Rules Committee on January 22, 1964, Representative POFF said:

While it is said that this bill involves no criminal penalties and no sanctions, the fact still remains that a private citizen under the terms of this bill is subject to a jail sentence and/or a fine and that is because the orders of the court which are disobeyed by an individual citizen may be enforced by contempt proceedings.

If it is a civil contempt citation, the individual citizen is not entitled to a jury trial at all. The case is heard and disposed of by the same judge who cited him for an offense against the court. If it is a criminal case there is a limited opportunity for a jury trial in only two titles of this bill; namely, title I, the voting section, and title II, the public accommodations section if the fine is up to $300, and the sentence 45 days.

The fact of the matter is the jury trial remains in the discretion of the trial judge. If the trial judge proceeds to try the man he has cited in the absence of a jury and assesses a fine of $300 and/or a jail sentence up to 45 days, then he must grant the person accused a trial de novo, but obviously no judge is going to sit on a case and assess such a penalty and then start the case all over again before a jury. He could simply assess a $299 fine and a 44-day jail sentence.

I continue to quote from Representative POFF's testimony before the House Rules Committee. With respect to judicial review, he said:

Mr. Chairman, proudly it has been said by the proponents of the bill that this title now authorizes judicial review. Originally, of course, it did not. It does now authorize judicial review, but let us examine the nature of the judicial review.

Judicial review under the cutoff of funds section is tied to the Administrative Procedure Act. Two important consequences flow from that fact. First of all, the Administrative Procedure Act authorizes only a review and not a trial de novo. I suggest that a man does not have his full day in court if he is entitled only to a judicial review. He has his day in court only when he has a trial de novo, where he is allowed to present evidence by reputable witnesses and to cross-examine the witnesses who give evidence against him.

The second consequence which flows from keying the judicial review to the Administrative Procedure Act is that the review which is granted is restricted and limited against the citizen, and in favor of the Government agency. What do I mean by that? Let me attempt to explain. Under the Administrative Procedure Act, all that the circuit court needs to find, in order to uphold the determination reached by the Federal agency, is that the Federal agency's determination was based on "substantial evidence." Substantial evidence, Mr. Chairman, is not a preponderance of the evidence. Substantial evidence means something entirely different. That term has been defined several times. If I may be permitted to suggest only one definition, it means only "a reasonable quantum of evidence in support of the agency's decision."

Why is this significant? It is significant because title VI of this bill requires the agency only to make an "express finding" of discrimination. Of course it does not define what discrimination is, but it admonishes the agency only to make an "express finding" of discrimination.

It does not require the agency to conduct a formal hearing or to accept evidence. It only directs it to make an express finding that discrimination was present. So the person against whom the charge is made has never had an opportunity to present evidence, and he is limited in his review only

to the right to argue the facts and the law before the circuit court of appeals after the agency has reached an express finding. So I repeat now, the individual citizen, the private citizen, has no opportunity to present evidence as that term is understood in the jurisprudence of this country.

And on January 21, 1964, Representative GEORGE MEADER, of Michigan, testified as follows before the House Rules Committee:

But when you go into this government by injunction procedure, you get a decree from a single judge, perhaps couched in broad and ambiguous terms, maybe just using the word "discrimination," not specifying in detail how he discriminates.

Then he is brought in on a contempt proceeding with an order to show cause why he should not be held in contempt and summarily punished. None of these protections available in criminal proceedings are present in adequate form under contempt proceedings.

Furthermore, it seems to me that Government should act only to enforce public policy. It is the policy and interest of the Government that we are concerned with. Title II on public accommodations of the committee bill really finances private litigation and uses, I say, the summary and harsh weapon of government by injunction in private litigation.

The committee will recall the Norris-La Guardia Act, which prohibited corporations from going into court and getting an injunction against picketing or striking. We outlawed the use of injunction in private litigation in the labor dispute area. On pages 46, 47, 48, and 49 of the House committee report, I listed statutes enforcing public policy by the sanction of government by injunction. Every time we do it we are invading the liberties of our individual citizens.

I cite this testimony in the House Rules Committee hearings on this bill—which were the only hearings that have ever been held on H.R. 7152 as it is now before the Senate—because this testimony tends to show the means to which the proponents of civil rights bill will resort to accomplish the ends they seek, without giving those accused under civil rights laws a trial by jury.

Jury verdicts may not always be perfect. But it is difficult to control a jury, and it is a heinous crime to try; and it is generally conceded trial by jury is—in the interest of justice—the fairest method yet devised of reaching a verdict with respect to the guilt or innocence of an accused.

Why do proponents of these so-called civil rights bills oppose including provisions for trial by jury? They say it is because juries will not convict accused persons in civil rights cases, and that trial by jury is too slow for their purposes anyway. I submit these are cynical replies.

The inference that juries are too biased and prejudiced to reach just verdicts impugns the honesty of jurors under oath, and indicts the Federal judiciary system.

Under title 28, section 1864, of the United States Code, the clerk of the U.S. court and the jury commissioner appointed by the judge pass on the eligibility of all persons to serve in Federal courts as grand or petty jurors. And the only names which go to the jury box are those selected by these Federal officials; namely, the clerk of the court and the jury commissioner named by the judge.

Section 1865 of title 28 of the United States Code also provides that jurors in Federal courts can be selected from such parts of the district as the district judge may direct so that those most capable of trying cases in an impartial manner will be called for service, and that to this end the judge may order that separate jury boxes may be maintained at all places where the district court is held and that the district judge may appoint additional jury commissioners to accomplish this purpose.

Under these statutes, the eligibility of all persons who are called to serve upon either grand or petty juries in Federal district courts is determined by Federal officials and not by State officials.

If speed in judicial disposition of civil rights cases is what the proponents of the pending bill are looking for, they have another contradiction in title IX. This title would impede the processes of justice. It involves the dull subject of court procedure, and for this reason it is largely overlooked.

As lawyers know, the Federal code provides for the removal of certain causes of action from the State courts to the Federal courts. There are four types of cases which may be removed:

First, those cases which involve an interpretation of the laws, Constitution, or treaties of the United States.

Second, those cases where there is a diversity of citizenship between the litigants.

Third, 28 United States Code 1442, permits certain Federal officers who are being prosecuted in the State courts to remove their cases.

Lastly, we have the removal statute, 28 United States Code 1443, which is the statute in question under provisions of title IX.

This permits the removal of cases wherein the laws of a State deny to one being prosecuted in the State court his civil rights, and this is what we are dealing with in title IX. Historically, this statute had its inception in a measure adopted by the Congress in 1863 which had for its object the protection of soldiers who supposedly were carrying out their military orders in other States and might become charged with violation of the laws of those States.

Since adoption, it was amended in 1865 under the leadership of a man from Pennsylvania called Thaddeus Stevens, so that these cases removed to the Federal courts, when the Federal court made a decision on the remand order, could not be appealed.

The obvious purpose of title IX, permitting appeals from remand orders, is simply to impede the State courts. During the time of such appeal, the State court would have no power to enter any orders of any kind, and all process would be stayed. Under such conditions, the officers of a locality would be unable to provide police protection to the law-abiding citizens, and thus lawless elements would be free to run rampant in the streets in an effort to blackmail the local government into nol prossing charges against them before the cause could finally be extricated from a maze of laborious legal appeals in the Federal courts.

Whenever the police power of a locality is restrained and whenever the ability of local government to protect its people is impaired, anarchy prevails and the only recourse left to the people is to take the law into their own hands, a situation which I am sure no Member of this Congress would want.

Mr. ERVIN. I wonder if the Senator from Virginia would yield to me so that I might ask some questions about the point which he has been discussing, that is, the provisions of title IX, referring to procedures in relation to removal in civil rights cases.

Mr. BYRD of Virginia. I yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that the people who would be most benefited by the provision would be those who participate in the so-called nonviolent violent demonstrations?

Mr. BYRD of Virginia. The Senator is entirely correct.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that it would be unjust to give these people a right to appeal from a ruling of the Federal court remanding the case back to the State court for trial on the ground that the Federal court had no jurisdiction, and at the same time to deny to the State authorities, who are charged with the responsibility of enforcing the law and protecting the people of the State against crime, the right to appeal from an order which refuses to remand the case to the State court?

Mr. BYRD of Virginia. I agree with the Senator from North Carolina, whom I regard as one of the ablest lawyers in the Senate.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that the only effect of that provision, which would make the law for one side of the case one thing and the law for the other side of the case another thing, would be to postpone the possibility that the State could enforce criminal laws against those persons within its own courts?

Mr. BYRD of Virginia. The Senator is entirely correct.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that it would be a lamentable lack of respect for proper Federal-State relations for the Congress to propose a procedure which is clearly designed to postpone the trial in State courts of persons for violations of the laws of the State?

Mr. BYRD of Virginia. The Senator is entirely correct.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that if this provision were enacted by the Congress, it would ally the Federal Government with the side of the lawbreakers rather than the side of law and order within the borders of a State?

Mr. BYRD of Virginia. I entirely agree with the Senator.

Mr. ERVIN. I thank the Senator for yielding.

Mr. BYRD of Virginia. The Senator has illuminated the subject very much.

It is impracticable, as every sensible person knows, for law enforcement and police protection to be kept and maintained at any level but at the local level. We know that the U.S. marshals and U.S. soldiers cannot be everywhere and they are not a substitute for local police officers, even if we wished to divest the localities of those powers.

These enactments would doubtless precipitate the resurrection of lawless elements, and riotous situations would arise throughout the country, a prime objective of the Communist and other lawless elements, as stated by the Senator from North Carolina. It is a dangerous and ominous situation in this country when local law enforcement officers are prevented by Federal law from suppressing public mischief and violence and protecting the people of the localities in their lawful rights and pursuits.

Title IX is highly discriminatory. To use the terminology of one of the counsel for the Congress of Racial Equality, it would give the so-called civil rights group a special weapon all of their own. It would effectively prevent for a long period of time any trial, either Federal or State, of these miscreants and disturbers of the peace.

If this section should be adopted, it would enable the civil rights litigant to silence the voice and to stay the hands of the State courts for a period of 1 or 2 years or more, and do that even in the face of an adverse decision by a U.S. district judge.

One of the litigants, by the simple filing of a petition and pertinent papers, automatically removes the case to the Federal court. Thereafter, no process of any kind can issue from the State court, no depositions can be taken, no hearings scheduled, and all process must be suspended.

The only legal relief available to the aggrieved community is the immediate application to the Federal court for a remand on the basis that the removal was improper and that the Federal court lacks jurisdiction. This is a matter to be presented to the Federal judge for determination by him as a part of the procedure within the Federal judicial system.

The 1957 so-called Civil Rights Act, as finally passed, dealt largely with what was described as voting rights. And it remains as the general impression that the compromised jury trial provision included in the 1957 act applies only to so-called voting rights cases. But the best legal advice available to me as a Member of the Senate holds that there is strong probability that this impression is wrong.

Right or wrong, proponents of the pending bill are unhappy even with the kind of jury trial provisions that were included in the 1957 act. Now, for the so-called voting rights provisions in title I, they want a three-judge court. In the absence of Senate hearings, we must go to members of the House Judiciary Committee and their testimony before the House Rules Committee.

I quote from the testimony of Congressman EDWIN E. WILLIS, of Louisiana, the fourth-ranking Democrat on the House Judiciary Committee, as presented before the House Rules Committee on January 16, 1964. Representative WILLIS said:

> Another innovation of title I is found in section 101(d) of the bill which authorizes the Attorney General, at his unreviewed discretion, to demand a three-judge court to hear and determine any voting suit.
>
> The chief judge of the circuit would have no choice but to comply with the Attorney General's request. Although one of the judges must be from the district in which the suit is instituted, the other two need not. This provision enables the Attorney General, when he has no confidence in a particular district judge, to convert that judge into a minority of a three-judge panel, if, indeed, he is appointed to the panel at all.
>
> It is difficult to understand why this provision, which did not appear in the administration bill nor in the subcommittee substitute, should now make its appearance. It is extremely difficult to perceive why, in this troubled field, the Attorney General should have what amounts to a preemptory challenge to the district judge before whom the case would normally be tried. I seriously question whether such a flagrant form of forum shopping should be encouraged, least of all should it be provided as an exclusive privilege of the plaintiff Government.

Title II of the pending bill is generally referred to as the so-called "public accommodation title." But proponents of the bill—by their own language—call it "Title II—Injunctive Relief Against Discrimination in Places of Public Accommodation."

The question of trial by jury or by injunction has been with us almost every time so-called civil rights proposals have been made. And when we turn to enforcement by injunction, we invariably are confronted with the problem of contempt. And when we have the problem of contempt it usually involves the distinction between civil contempt and criminal contempt.

The Talmadge amendment to the pending bill would make this distinction for civil rights cases. Efforts to make clear the distinction between the two are not new. An effort was made by the Senate in the 1957 civil rights bill, but it was compromised in conference.

In addition, I joined with the chairman of the Senate Judiciary Committee, the Senate from Mississippi [Mr. EASTLAND], and the Senator from South Carolina [Mr. THURMOND], in a previous effort to clarify the question generally. On March 27, 1957, we introduced S. 1735 of the 85th Congress, 1st session. It reads as follows:

S. 1735

A bill to amend chapter 233, title 18, United States Code, relating to criminal contempts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3691 of title 18 of the United States Code is amended to read as follows:

"§ 3691. Jury trial of criminal contempts

"Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any court of the United States by doing or omitting any act or thing in violation thereof, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

"This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court."

SEC. 2. (a) Section 3692 of title 18 of the United States Code is repealed.

(b) The analysis of chapter 233 of such title is amended by striking out the item relating to section 3692 thereof.

Nothing could have been more thoroughly American than S. 1735 of the 85th Congress. No legislation could be more thoroughly in accord with the basic principles of American jurisprudence. No proposal could be more in the interest of justice. No enactment could be in better democratic tradition.

But the reaction of the Federal bureau—which is called the Department of Justice—was remarkable. It came from numerous departmental sources, including a speech by Assistant Attorney General Warren Olney III, delivered April 5, 1957, before the National Civil Liberties Clearing House.

Directly and by innuendo, with the other sponsors of a bill to assure the constitutional right of trial by jury, I was accused by the U.S. Department of Justice of subtle, devious, and evil intentions. The Justice Department preferred trial by injunction to obtain convictions with criminal penalties, without the bother of the requirements of criminal processes.

Justice Department prosecutors admitted that in so-called civil rights cases proof was too hard. They wanted quick convictions—not jury trials, which historically have stood between the prosecutor and the defendant. Then, as now, speed was the order of the day, not accountability.

Mr. Olney complained then, as the Attorney General does now, that juries do not convict, and there are too many acquittals. There is reason to complain also about too many acquittals by judges in cases of sit-ins, stall-ins, public nuisance, trespass, and other instances of pure contempt for law and order.

But it is my purpose to defend the great maxim that citizens of the United States are innocent until they are proved guilty, while advocates of these civil rights measures want the quick, tailor-made crackdown of trial by injunction.

Of course, the constitutional safeguards provided by jury trials make punishment of an act as a crime a slower process. Let us hope that they never cease to make action in the democratic processes slower—and even more cumbersome—that actions in totalitarian states.

Are advocates of Federal trial by injunction proposing that constitutional guarantees be sacrificed for speed and ease? This could be a shortcut to Central Government tyranny. Justice Department prosecutors and other advocates of the pending civil rights bill complain loudly about prejudice of local juries, but they are silent on the obvious bias and prejudice in the Federal judiciary.

Mr. Olney tried to make a great point on the technicality by which he claimed the Constitution does not cover injunction contempt cases in which accused persons are thrown into jail on a judge's order. But he conveniently disregarded the history of trial by jury and injunction.

Jury trial was not created, it grew out of the usages of the immemorial past. We find it in the Roman Empire shortly after the death of Christ. We find it in the reign of Alfred the Great—871–901. We find its essence in the Magna Carta. We see it abused and abrogated in the English star chamber, and the extension of the admiralty courts by the British Crown against the Colonies of America. We see it listed as an abuse by the Crown in the Declaration of Independence, and it seems to stand out with a vengeance in the U.S. Constitution:

> The trial of all crimes, except in cases of impeachment, shall be by jury.
>
> No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.
>
> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury.
>
> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

At the time of the drafting of the Constitution, equity was in its true, pure historical context. Chancery or equity professed to act as a court only when the other courts could give no relief or inadequate relief, and property or property rights must be in question. Knowing the jurisdiction of equity, the framers and Founding Fathers knew of no need to protect the people by jury trial in contempt cases arising out of injunctions.

But the modern writ of injunction is used for purposes which bear no resemblance to the uses of the ancient writ of that name. Formerly it was used to conserve the property in dispute between private litigants, but in modern times it has taken the place of the police powers of the State and Nation. It enforces and restrains with equal facility the criminal laws of the State and Nation.

With it the judge not only restrains and punishes the commission of crimes defined by statute, but he proceeds to frame a criminal code of his own, as extended as he sees proper, by which various acts, innocent in law and morals, are made criminal; such as standing, walking, or marching on the public highway, or talking, speaking or preaching, and other like acts.

In proceedings for contempt for an alleged violation of the injunction, the judge is the lawmaker, the injured party, the prosecutor, the judge and the jury. It is not surprising that uniting in himself all these characters he is commonly able to obtain a conviction.

A distrust of the jury is a distrust of the people, and a distrust of the people means the overthrow of the Government.

Against the exercise of this jurisdiction the Constitution of the United States interposes an insurmountable barrier. In that masterly statement of the grievances of our forefathers against the government of King George, and which they esteemed sufficient to justify armed revolution are these:

> He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws, and for depriving us in many cases of the benefit of trial by jury.

Smarting under these grievances, the people of the United States, under the lead of Mr. Jefferson, were extremely careful to place it beyond the power of any department of the Government to subject any citizen "to a jurisdiction foreign to our Constitution and unacknowledged by our laws," are to deprive any citizen "of the benefit of trial by jury."

This was accomplished by inserting in the Constitution of the United States these plain and unambiguous provisions.

Now the officers whose positions were created by and through the operation of that same Constitution come forward and tell us that that is all fine and good but it does not apply to contempt cases arising out of injunctions and, in those types of cases, we want quick and certain punishment or imprisonment.

Notwithstanding, the Constitution expressly enumerates the only exceptions to the right of trial by jury, and positively limits those exceptions to the cases mentioned. Those who favor government by injunction, propose to ingraft upon that instrument numerous other exceptions which would deprive the great body of the citizens of the Republic of their constitutional right of trial by jury.

Undoubtedly, it is the right of the people to alter or abolish their existing government, "and," in the language of the Declaration of Independence "to institute a new government, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

It is competent for the people of this country to abolish trial by jury, and confer the entire police powers of the State and Nation on Federal judges, to be administered through the agency of injunctions and punishment for contempts; but the power to do this resides with the whole people, and it is to be exercised in the mode provided by the Constitution. It cannot be done by the insidious encroachments of any department of the Government.

Our ancestors, admonished by the lessons taught by English history, saw plainly that the right of trial by jury was absolutely essential to preserve the rights and liberties of the people, and it was the knowledge of this fact that caused them to insert in the Constitution the peremptory and mandatory provisions on the subject which we have quoted.

English history is replete with examples showing that the King and his dependent and servile judges would have subverted the rights and liberties of the English people, but for the good sense and patriotism of English juries. It is to the verdicts of the juries, and not to the opinions of the judges, that the English people are chiefly indebted for some of their most precious rights and liberties.

Such legislation, you can see, would be a vehicle to usurp completely all State and local functions in favor of the Federal Government. The State citizenry and political subdivisions of counties and cities would personally, and through their personnel, be cowed completely. State government, as we know it today, would be destroyed.

I have repeated the evils inherent in equitable contempt process, perhaps overrepeated them. But the ramifications of the use of injunctions are so all powerful and pervading that the question needs repeating to point up its very extensiveness. I have attempted to illustrate the effect and result of government by injunction, or call it government by men or individual fiat.

I submit that it has long been recognized by students of law and government that the power to make law and the power to enforce law should be separated as a protection against tyranny.

It is amazing to realize that in the last 50 years there has developed in the American courts the practice of writing a special law to fit the individual case by judges in issuing injunctions; and that thereupon the judge who himself wrote the law has undertaken to prescribe the penalty for its violation and to punish the violator without permitting the accused to enjoy a trial by jury or even to insist upon a trial before another judge.

It is difficult to see how any civilized people could indefinitely submit to such tyrannical procedure.

This so-called civil rights bill deals in the ultimate of bias, prejudice and emotion. Enforcement of its unjustifiable provisions should certainly be given the benefit of the best available processes for arriving at evenhanded justice. No one can dispute the fact that trial by jury is the best process.

And yet, this bill goes to all means of avoiding trial by jury. It resorts to three-judge courts, the backhanded processes of the Administrative Procedure Act—and worst of all—to contempt injunctions; and all of this in the centralized Federal Government.

In addition to the three-judge court and other questionable processes, let me summarize the centralization of power through Federal injunction suits under this bill, as follows:

The Attorney General can today initiate a suit in voting cases as authorized under the 1957 act, part IV, section 131 (c). Under this bill, the Attorney General could bring suit under title II, section 204(a), the public accommodations section.

Parenthetically, individual citizens also could bring suit under the public accommodations section.

Third, in this bill, the Attorney General could bring suit under the public facilities section, which is title III, section 301. And, of course, the Attorney General may intervene in all suits alleging denial of equal protection of the law.

The Attorney General may bring suits under the public education title of the bill, title IV, section 407(a)(2).

Finally, although it is not clear that the Attorney General himself could bring this suit, suits can be brought under the unlawful employment practices title.

In connection with this recapitulation of the ways in which the Attorney General can initiate suits, it is important to understand that under the language of this bill, the Attorney General makes the decision about whether or not the individual citizen is financially able to bring the lawsuit. That decision by the Attorney General is an ex parte decision and is never the subject of judicial inquiry or review. No evidence can be adduced before any judge in any of these cases to prove that the Attorney General was factually wrong in deciding that the aggrieved individual citizen was financially unable to bring his own lawsuit.

And I shall make one more point. I think all lawyers will appreciate the significance of the language which repeals the doctrine of exhaustion of administrative and legal remedies. It will no longer be necessary, under this bill, for a person to pursue his administrative and legal remedies before he becomes eligible to bring the suit, or have the suit brought for him by the Attorney General.

It may be said, without fear of successful contradiction, that the pending bill—if enacted—would be a giant step in the centralization of power in the Federal Government—the antithesis of our most fundamental national purpose. It would centralize power in both the Federal judiciary and the Federal executive branch.

To this point I have talked largely about the concentration of power through the Federal judiciary and the judicial processes. In short, in this respect, the bill seeks Federal convictions with penalties of criminal magnitude, without the constitutional safeguards of trial by jury.

In conclusion, I shall talk briefly, and generally, about the concentration of power in the Central Government, and its evils, to which the pending bill—part and parcel, and in all respects—would contribute.

The bill before the Senate would be a major blow against our liberties. We had better face up to the departures from the fundamentals on which this Nation was founded—and has grown great—which we have allowed.

I speak only as one Member of the Senate—and only as one Senator representing the State of Virginia. But I think it is appropriate to recall for the record at this time our bitter experience with remote Central Government.

In Virginia, we have firsthand reason to fear powerful Central Government. It was here that Patrick Henry proclaimed the tyranny of remote government, and we revolted against it.

It was in Virginia—as Military District No. 1—that we felt the iron heel of the Washington Government during the tyranny of reconstruction.

It was in Virginia that we learned from Thomas Jefferson that the safeguard against despotic Central Government lies in decentralization of power through the exercise of States rights.

Jefferson wanted a strong Federal Government for protection of our interests abroad, but he urged us to keep authority over domestic affairs in the States.

In the Congress here today, we are fighting with our backs to the wall for the preservation of States rights. I pray that it is not an unsuccessful last stand.

Sometimes I wonder if the people of this country realize how much power over their liberty the Federal Government has usurped in recent years. This usurpation of authority was started by the Warren Supreme Court. Then, the grab for power was picked up by the executive branch. Now, Congress is being asked to extend and expand it.

Jefferson warned us of the Federal judiciary, when he said there was no danger he apprehended "so much as the consolidation of our Government by—the Supreme Court."

What has the Federal Supreme Court been doing?

In the Girard case it upset a man's will that had been standing 125 years, and, in effect, decreed that individuals in their wills cannot leave their possessions as they choose.

In the Mallory case it turned loose a confessed rapist and, in effect, impaired the effectiveness of local police protection for decent American citizens.

In the Konigsburg and Schware cases the Warren court denied States the right to set standards for those who wish to practice law before their own State courts.

In the Nelson case it turned loose a notorious Communist, convicted in a State court, and invalidated sedition laws in 42 States because there was a Federal law in the area.

In the Watkins case it set aside the contempt conviction of a congressional committee witness who admitted he cooperated with Communists but would not name his associates.

In this case the Warren court tortured the salutary provision of the fifth amendment to the Constitution so as to make "taking the fifth" a shield for racketeers and subversives.

In the Jencks case, as Justice Tom Clark said, the Court opened up law enforcement agency files to a criminal, affording him "a Roman holiday in rummaging through confidential information and vital national secrets."

Senators know what the Warren court has done to schools and prayer. Now it is tampering with the right to trial by jury, and has undertaken to dictate and influence formation of political districts within States.

Nothing could be further from Federal jurisdiction than meddling with the districts from which members of State legislatures are elected. Gerrymander by the Federal judiciary is something new and dangerous in our system. It could be used to destroy the fundamental safeguards in our dual governments.

In short, justifying Jefferson's fears, we now have a Federal Supreme Court which is following a line of decisions which have: invaded homes, handicapped police protection, disregarded State sovereignty, interfered with executive authority, usurped powers of Congress, curbed religious practices, tampered with the right to trial by jury, and is seeking to gerrymander State political districts.

Senators do not have to take my word for this. The chief justices of the 48 States in 1958 found a tendency in the Federal Supreme Court decisions, "To press the extension of Federal power, and to press it rapidly."

So far as I know, this was the first time in our history that the State chief justices reprimanded the Federal Supreme Court, and then, they called on it for "judicial self-restraint."

But while usurpation of power and centralization of authority in the Federal Government by the Warren Supreme Court has been justifying Jefferson's fears about the Federal judiciary, listen again to what Jefferson said:

> Departure from principle in one instance becomes a precedent for a second; and the second for a third; and so on till the bulk of society is reduced to misery without sensibilities, except for sin and suffering.
>
> The forehorse of this frightful situation is public debt, and in its train there is wretchedness and oppression.

And now we have a Federal Government which has been in the red for 28 of the past 34 years. There will be more deficits next year and the year after. Deficits last year and this year total $16.3 billion—the largest 2-year peacetime deficit in history—and in this condition taxes will be cut $11.6 billion.

When I came to the Senate the Federal debt stood at $19½ billion. Now it stands at $311 billion. It has been increased $40 billion since the Korean war. This tremendous debt, already piled up up by the Federal Government, will reach $320 billion within the next 2 year. There seems to be no inclination to reduce it, and certainly no plans have been announced.

In fiscal year 1933, when I went to Washington, the Federal Government was spending $4½ billion a year. Now it is spending nearly $100 billion a year.

In 10 years since 1954 spending by the Washington Government has been increased by $30 billion a year. It may surprise you, but the bulk of that increase has not been in military or foreign aid expenditures.

The big increases have been for domestic-civilian programs. These programs now cost $45 billion a year. This is a $26 billion increase since the Korean war.

More than 50 million people are receiving checks each year from the Federal Government. These people, with their families, could total half of our population. Millions more not receiving checks—as such—are benefiting from Federal insurance programs covering housing mortgages, and so on; and when the mortgage is insured, so is the bank.

Name an area of endeavor, and the chances are there a Federal subsidy to go with it. And one does not get Federal subsidies without submitting to Federal control.

For example, there are the increasing Federal requirements for payment of

Davis-Bacon wage rates to federally subsidized construction—schools, hospitals, highways, and so forth. Davis-Bacon wage rates are big city rates. Apply them outside the city, and we spend more for fewer classrooms, fewer hospital beds, fewer miles of roads; and we upset local wage rates and pay more for everything we build.

Federal subsidies, with Federal control, are flowing to business, industry, private finance, agriculture, transportation, power, housing, health, education, States, localities and individuals.

We are being enticed into centralized government by Federal paternalism, forced into centralization by Federal usurpation of power, and driven to centralization under the burden of public debt.

The growth of Federal control can be clearly seen even now in the ever-increasing so-called Federal aid programs and payments to individuals. When I was Governor of Virginia there was only a handful of so-called Federal-aid programs. We had the highway program and land-grant colleges—and a few more.

Federal payments to individuals, in addition to Government salaries, were limited largely to such items as payments to National Guardsmen. Now, the Secretary of the Treasury is reporting Federal expenditures through 65 grants-to-States programs, and 52 programs for payments to individuals.

The Federal Government is now spending $8½ billion a year in State and local aid programs, and $2½ billion a year in programs for payments to individuals. I often wonder whether people stop to think that the money the Federal Government pays out comes from their own pockets—or, in the case of debt, from their children's pockets.

The Washington Government collects this so-called Federal-aid money from us in taxes, charges us administrative costs, and then passes some of the money back to us with orders as to how much match-money we have to put up, and how we may spend the money that was ours in the first place.

That is what is called Federal aid. The Virginia Commission on Constitutional Government found Virginia State and local governments participating in 53 so-called Federal-aid programs.

Make no mistake. Excessive Federal spending in Federal aid, and all other Federal programs is a lever of centralized power which may crush the blessings of liberty right out of the preamble to our Constitution.

Jefferson feared these evils of centralized power all of his life. As late as 1821, in his autobiography, he was still saying: "It is not by consolidation or concentration of power, but by their distribution that good government is effected."

We cannot forget the Federal crackdown on private business 2 years ago when the Central Government turned the fury of its power on the steel industry. Who can forget the unprecedented use at that time of the powers of the Federal Bureau of Investigation, the Federal grand jury, and the threat to withhold Federal contracts from those daring not to conform with demands of the Federal executive.

This was the use of Federal executive power. Think of it in combination with that being exerted by the Federal judiciary against our way of life and our form of government.

And those of us in Congress cannot forget the two recent proposals by the President that he should be given the power of the purse, over both spending and taxes. Both proposals were in violation of the Constitution, which fixes the taxing power of the Government in the legislative branch, and prohibits expenditures except in consequence of appropriations made by law.

When I said earlier that the Congress is now being asked to extend and expand the centralization of power in Washington already usurped by the judicial and executive branches, I was referring specifically to the so-called civil rights proposals.

It takes some 12,000 words, covering some 55 printed pages, in 11 titles, to cover the monstrous grab for Federal power set forth in the civil rights bill now before the Senate.

It is, of course, being filibustered by the redoubtable 19. And from the other side we have heard much talk about keeping the debate germane to the substance of the bill.

There is no problem in remaining germane. There is virtually nothing in our way of life that is not covered in the bill, and everything covered would be subjected to Federal control.

The so-called civil rights bill would extend Federal control over everything using Federal money. It would extend Federal control over elections and voter qualifications; over all public facilities—Federal, State, and local, including education; over all business, from the largest corporation down to five-room lodging houses.

The stated purpose of the bill is to prohibit discrimination, but those drafting the bill—under the direction of the Attorney General's office—purposely omitted a definition of discrimination.

Definitions of what the bill would prohibit would be made later by bureaucrats to be appointed in the executive branch—by the Attorney General—and by the Federal judiciary.

And we may expect the definitions to be changed to fit the cases as they develop. The bureaucrats would man two civil rights commissions. One of the commissions would be the new FEPC to control all businesses employing 25 people or more, when the bill is fully operative. The other commission would be an extension and expansion of the present Civil Rights Commission which has recommended practically everything included in the pending bill—and more.

The bill would prohibit discrimination, or segregation, on the grounds of race, color, religion, or national origin, in the so-called public accommodations title. But, "religion" is omitted in the prohibition against discrimination in federally assisted programs, such as those for schools and education—where prayer is already forbidden by Federal courts.

Instead of trial by jury in so-called voting contempt cases, the Federal Attorney General would "shop around" for three friendly Federal judges to conduct the trials. Avoidance of trial by jury is a major objective.

The so-called public accommodations title of the bill applies, among numerous other places, to private dwellings where "five rooms" may be rented. But the word "room" is not defined. Would a room with bath be one room or two?

The same so-called public accommodations title would extend Federal control to any place holding itself out for public accommodation. The lawyers tell me that this includes not only small businesses, but also churches and other places of religious worship; seminaries and other institutions devoted to the teaching or promotion of any religious faith; mortuaries and cemeteries; privately owned and operated hospitals, clinics, sanatoriums and homes for the aged; and the offices of doctors, dentists, and lawyers.

I am advised further that this title would extend Federal control over private clubs if they offer any courtesies to guests of hotels, and so forth.

If employers in the past have thought Federal interference with their business, and requirements for recordkeeping, were unreasonable, they should contemplate the FEPC provisions of this bill. They would extend Federal control over hiring, firing, promotions, pay raises, transfers, and so forth. The same title would extend Federal control over employment agencies and labor unions.

If a man owned a 25-man farm or business, and a member of his family, a relative, or a friend, were in need of a job, the employer probably could not give such a person a job without giving someone of a different race the opportunity to compete.

Under this bill, when the Government enters into a contract to buy lumber, its primary interest will no longer be receiving the shipment in the specified quality and quantity. It will be integrating the sawmill.

Title VI of the bill would give Federal bureaus the power to cut off all Federal funds to any program, activity, State, locality or individual receiving so-called Federal assistance under grants, loans, and contracts, if the Federal bureau does not like the integration attitude.

I asked the Library of Congress, on March 18, to supply me with a list of Federal programs in which Washington integrationists could cut off the money under this title. The Library gave me, in writing, a list of 105 programs, and said:

> For a variety of reasons, it is difficult, if not impossible, to compile any all-inclusive list of programs and activities which potentially could be affected by the provisions of title VI(6).

Senators may consider the examples of extension and expansion of centralized power which I have mentioned in connection with the so-called civil rights bill as only an introduction.

Most people cannot imagine the unbelievable provisions in this civil rights

bill—all of them grabbing control for the Central Government.

Centralization of government in Washington is the most dangerous trend we face in this country today. It is in violation of the principles of Jefferson, who was a Founding Father of both this Nation and the Democratic Party.

Following these principles, this country grew from 13 weak colonies to leadership in the free world in a few generations. They have been safeguards of our liberty and the foundation for our progress. I do not believe our people want them abandoned.

Times and circumstances change, but principles do not.

I shall vote in defense of the overriding principles from which flow such liberties as this Nation enjoys. These must be defended in the interest of the greatest good to the greatest number. This is the source of the national strength of the United States. We know it.

We know also that no surviving nation will ever be all things to all people. The ends sought by the pending bill do not justify the means proposed which do violence to fundamental rights, and it is doubtful that cure can be found in amendments.

EDITORIAL COMMENT ON INVESTIGATION OF ROBERT G. BAKER BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. CASE. Mr. President, interest in the Bobby Baker case continues to run high in the country. That the Baker matter is a problem that this entire body must wrestle with is a fact that has not been lost on the people, as evidenced by the editorials and newspaper accounts I inserted in the RECORD yesterday. Today, four more editorials from major newspapers were brought to my attention; and I ask unanimous consent that they be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 20, 1964]

THE BAKER CASE REPORT

The U.S. Senate as a body, and Senators individually, "have suffered the loss of much respect and prestige" because of conditions brought to light in the investigation of the affairs of Robert G. Baker, former secretary to the Democratic majority. This judgment is not, as might easily be assumed, taken from one of our editorials criticizing the Senate for failing to follow through on the investigation. It is taken from the draft report of the Senate Rules Committee's staff and its chief counsel. The report is scheduled to come up for action at a meeting of the committee today.

To remedy these conditions the report recommends three new rules of conduct for Senators and employees of the Senate, all far more stringent than the vague, general code of ethics adopted in 1958. The new rules would require:

Complete disclosure of the financial interests of all Senators and Senate employees. This seems reasonable and desirable.

Prohibition of association by Senators and Senate employees with "persons and organizations outside the Senate who are engaged in conducting business with the Government or have business before Government officers or agents." On its face, this would put an end to practically all contact between Senators and most of the Nation's large business enterprises. It appears completely unrealistic.

A requirement by the Senate, as a matter of permanent policy, that all Senators respond to requests from any of its committees to appear and testify about any knowledge they have of a subject under investigation. This would be a useful innovation.

The commitee's counsel, Maj. Lennox P. McLendon, deserves praise for his bluntness in assessing the damage effect of the Baker case on the reputation of the Senate. If the investigation had been pursued with greater vigor; if some of the more obvious leads had been followed up; if the majority had not been so plainly unwilling to call Members of the Senate to testify, the affair would not have left the suspicions in the public mind that it did. But the damage has been done and the Senate should face up to it.

At least two of the remedies proposed by the committee staff have long been urged by congressional critics: Disclosure of a Senator's financial interests and the requirement that Senators testify before investigating committees. All three are bound to face harsh criticism from defenders of the status quo. But the debate that is bound to ensue could be useful. If the Baker investigation should eventually bring about a heightening of the Senate's standards, that result will do much to counterbalance the inadequate way in which it was conducted.

[From the Washington Post, May 20, 1964]

STIFF "BAKER" ADVICE

If the Senate Rules Committee concluded that its rough sailing was over when it closed out the Bobby Baker investigation last week, the illusion must have been completely dispelled. At a meeting this morning the committee will be confronted by a draft report from its staff, raising in somewhat different form issues which the committee would not face during the inquiry.

The committee's staff headed by Lennox P. McLendon has courageously recognized that the Senate itself has suffered "the loss of much respect and prestige" because of the operations of its former secretary to the majority. The staff does not contend that the Senate is responsible for all of Mr. Baker's wrongdoings. But it does pointedly note that "the Senate is responsible for putting Baker and others in places of responsibility without imposing upon them the enforceable standards of honesty and integrity the American people have every right to demand of all their public servants, high or low."

The staff rightly sees that the most important task for the Senate, now that it has been relieved of Mr. Baker's presence, is the adoption of rules that would help to prevent similar abuses in the future. The staff has wisely concluded that, to be effective, such rules ought to apply to Senators as well as to their staffs and Senate employees. All would be required to make full disclosure of their income and business associations. Senators would also be required, as a matter of standing policy, to respond to requests from any Senate committee for information in their possession about the subject of the inquiry.

The staff is also suggesting a third rule forbidding Senators to associate with organizations conducting business with the Government. It is extremely doubtful that such a rule could be enforced. But Senators could reasonably be asked to testify when they have pertinent data, as other citizens must do, and to disclose their interests and sources of income, as some Members now do voluntarily.

Adherence to these proposed rules would doubtless have prevented the Baker scandal, and, in the absence of prevention, would have encouraged a more satisfactory investigation than the Rules Committee has conducted. The committee's staff has taken a realistic view of a major governmental problem. The committee itself and the Senate can ignore this advice only at the risk of inviting graver abuses in the future.

[From the Washington (D.C.) Evening Star, May 19, 1964]

SENATE PRESTIGE

It was last week, and Majority Leader MIKE MANSFIELD was speaking against a resolution to authorize questioning of Senators in the "investigation" of the Bobby Baker case. "Let us have done," shouted the Montana Senator, "with sly innuendoes, intemperate inferences, thinly veiled implications."

Well now, let's see.

Senator MANSFIELD appeared to be talking to Senator CASE, of New Jersey. Certainly Senator CASE thought so. But when the oratorical smoke had drifted off, Senator MANSFIELD said he was talking about the press.

What about Lennox P. McLendon, majority counsel to the Senate Rules Committee, which was supposed to dig up all the facts in the Baker case? Evidently he wasn't listening to the majority leader, for the draft report which he has turned over to the Rules Committee may light the MANSFIELD fuse all over again.

At any rate, Mr. McLendon thinks the Senate should compel all Senators (1) to disclose the identity of their financial interests, (2) prohibit all association by Senators with persons and organizations outside the Senate which are doing business with the Government, and (3) require that all Senators as a matter of policy respond to a request from any of its committees to appear and testify about any knowledge they have of a subject under investigation. What are the implications here? And where was this zeal for senatorial disclosure when Mr. McLendon was refusing to call any Senator before the Rules Committee?

There is one more important point to be made. The McLendon report says that Don B. Reynolds, Silver Spring insurance man who touched off the Bobby Baker disclosures, "glories in the role of a character assassin with little respect for the truth and even less respect for the time-honored rules of fair play and common decency."

A ringing—but strange—indictment. Mr. Reynolds repeatedly asked to be called before the committee and be questioned in public session under oath. The committee was unwilling or afraid to call him. Neither would it call Walter Jenkins, long-time aid to Lyndon B. Johnson, to get his story under oath in public session, or in any other session, respecting the $1,208 worth of useless advertising time which Reynolds says he was pressured into buying after selling a large life insurance policy to Mr. Johnson.

Finally, the McLendon report contains this: "The committee feels very strongly that the Senate as a body, and Senators individually, have suffered the loss of much respect and prestige because of conditions this investigation has brought to light."

We disagree. The Senate and Senators have lost much respect and prestige, not really because of what this investigation has brought to light, but because of what it has attempted to cover up.

[From the Trentonian (N.J.) May 18, 1964]

CASE: SACRED DUTY TO GET THE FACTS

(By J. Willard Hoffman)

New Jersey's Senator CLIFFORD P. CASE was an admirable figure last week, if not to some of his fellow Senators, then at least to every citizen who is concerned over the sad derelictions of the Senate regarding the Bobby Baker case.

Senator CASE at last had an opportunity to put himself on record, and what he said,

in sum, was that the Senate simply cannot afford to sweep this mess under the rug, that the investigation must be pursued to a more conclusive point than the indecisive and completely unsatisfactory ending which the majority of the Senate Rules Committee apparently is content to foist upon the Nation.

The Garden State's Republican Senator told the Rules Committee that it has "a sacred duty to go out and get the facts, not just sit here and listen to what people come and tell it."

He wants every Senator questioned as to whether he ever had any dealings with Baker or whether he ever benefited from Baker's machinations.

That Senator CASE is fighting a losing cause may be gleaned from the reaction of Senator B. EVERETT JORDAN, Democrat, of North Carolina, who charged that the Jerseyan had scaled "the height of demagoguery" and who labeled his proposal "an insult to a Senator."

JORDAN, the chairman of the Rules Committee, also said that the Case suggestion was tantamount to a blanket indictment of all Senators.

But what JORDAN does not see is that his committee has made the "blanket indictment" of all Senators by failing to clear them, or by failing to clear those who can be cleared.

CASE put it straight when he told the committee:

"Every Member of the Senate has had his reputation, his good name, diminished by the Bobby Baker case. As an individual, I resent Bobby Baker's ability to blacken me. As a Member of the Senate, I feel it intolerable that Bobby Baker should pervert this public instrument to his selfish purposes."

And he put the whole thing in focus thusly: "No investigation of Bobby Baker can have any real meaning without an investigation of the relations of Members of the Senate with Bobby Baker."

That is the essence of it. Baker himself no longer is of importance. He has been exposed and discredited.

What remains is this: Baker could not have conducted his manipulations so successfully without the lever of political power, and there is no question that his lever was his relationship with some Senators.

Again, Senator CASE to the committee: "When I hear of an employee of the Senate boasting that he has 10 Members of this body in the palm of his hand, I do a slow burn. It is difficult for me to contain my anger when I hear talk, which everyone has heard, of Bobby Baker's dealings in committee assignments—granting or withholding his favors to persons elected by sovereign States to the greatest deliberative body in the world; of Bobby Baker's offering $5,000 to Senators or senatorial candidates for campaign purposes, and attaching strings to such offers in the form of commitments to vote for or against oil depletion allowances or amendment of rule 22, the filibuster rule, for example."

The Senate's authorization for the inquiry covered any conflicts of interest in the financial activities of any former or present "officer or employee" of the Senate. But Chairman JORDAN has said that the committee is not investigating Senators.

Until the committee does so, and does so conclusively, the Baker investigation will remain a scandalous "whitewash," no matter what other coloring JORDAN tries to attach to it.

Mr. BYRD of Virginia. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 244 Leg.]

Aiken	Fulbright	Morse
Allott	Gruening	Morton
Anderson	Hart	Moss
Bartlett	Hartke	Mundt
Bayh	Hayden	Nelson
Beall	Hickenlooper	Neuberger
Bennett	Holland	Pastore
Bible	Inouye	Pell
Burdick	Jackson	Prouty
Byrd, Va.	Javits	Proxmire
Cannon	Jordan, Idaho	Ribicoff
Carlson	Keating	Scott
Case	Kennedy	Simpson
Church	Kuchel	Smith
Cooper	Long, Mo.	Sparkman
Cotton	Mansfield	Symington
Curtis	McCarthy	Walters
Dirksen	McGee	Williams, N.J.
Dodd	McGovern	Williams, Del.
Dominick	McIntyre	Yarborough
Douglas	McNamara	Young, Ohio
Ervin	Metcalf	
Fong	Monroney	

The PRESIDING OFFICER (Mr. INOUYE in the chair). A quorum is present.

LISTER HILL, HUMANITARIAN FROM ALABAMA

Mr. WILLIAMS of New Jersey. Mr. President, every day a man is privileged to serve in this body he learns something new about the workings of the Senate and something new about the men who comprise it. There is one colleague, in particular, of whose broad range of interests and ability I seem to discover a new dimension each week. Perhaps I should not use the word "new"—for all that we know of this man bespeaks a characteristic that has distinguished his work in the Congress for 40 years—an abiding concern for the handicapped, the underprivileged, the sick, and the poor.

Mr. President, I was honored to receive an invitation from the British Ambassador and Lady Harlech to attend a reception yesterday at the British Embassy on behalf of the Camphill movement for retarded children. Thus did I learn that—among all his many duties—the distinguished senior Senator from Alabama is quietly serving as a sponsor of this magnificent program, just now getting underway in the United States. I therefore ask unanimous consent that there be printed at this point in the RECORD excerpts from a booklet describing the Camphill movement and symbolizing the humanitarian concern of LISTER HILL.

There being no objection, the booklet was ordered to be printed in the RECORD, as follows:

THE CAMPHILL MOVEMENT

The Camphill movement had its beginning in the year 1939 when Dr. Karl Koenig of Vienna, an ardent student of Rudolf Steiner, gathered a group of enthusiastic young friends and with them started a small residential school in Aberdeen, Scotland, named "Camphill House," for children in need of special care: Psychotic and mentally retarded children, those with multiple handicaps, and children with behavior disorders tending toward delinquency. The school, which was operated on a nonprofit basis, was soon followed by the establishment of others in England, Northern Ireland, and several countries on the Continent. Special treatments were developed by Dr. Koenig and his coworkers in patient work and in continuous study and critical evaluation of their results.

THE IDEA OF THE VILLAGE COMMUNITY

A new problem had soon to be faced, calling for a solution with increasing urgency: What is to happen to the mentally retarded leaving the special schools, as they must once they reach an age when they can no longer be considered children?

In 1955 a very important step was taken toward solving the problem, and a great experiment began. On a 280-acre farm in Yorkshire, England, a village community for mentally handicapped young men and women was founded: Botton Village.

Curative education had now to be transformed. The earlier teacher-pupil relation was replaced by a lifelong working companionship. Volunteer workers who chose the Camphill movement as their life and their future, became both guides and partners of handicapped "Villagers," who on their part gradually realized that the Village and its successful functioning was their very own concern and to some degree their own responsibility.

After an initial period of experiment and adjustment Botton Village became the prototype of other new villages of the Camphill movement, established—in each instance by Dr. Koenig himself—in Scotland, Ireland, South Africa, and Switzerland.

In 1959 the Camphill movement came to America. By this time no longer a group of groping pioneers but a well developed organization with a history of successful work. Miss Janet S. McGavin, director of one of the Camphill schools in England, took over a school for retarded children in Downington, Pa., which had been started by Mr. and Mrs. William Hahn and run by them on principles akin to those guiding the establishments abroad.

In 1963 because of the constant expansion of its work Downingtown Special School was relocated in more suitable surroundings within the same general area and is now known as Beaver Run, Glenmoore, Pa.

In 1961 Mr. Carlo Pietzner, one of Dr. Koenig's first collaborators, was invited to this country to lend his experience to the founding of a second school, Donegal Springs House, Mount Joy, Pa.

At the same time with the assistance of American friends he began the organization of Camphill Village, U.S.A., in Copake, N.Y., the Camphill movement's first community for mentally handicapped young adults in this country.

THE SCHOOLS

The schools offer a full program designed to develop the children's latent abilities: Play therapy to unfold their personality and inherent skills; schoolwork to impart to them such general knowledge as they are capable of absorbing; individual instruction to assist them in acquiring or improving the basic skills of reading, writing and arithmetic; practical activities such as sharing in household chores and gardening, to foster a sense of responsibility for the welfare of the whole group of which the child is part.

A steady, easy paced routine imparts security and calm to the child's life. Sundays and the festivals of the year are highlights; their observance gives rhythm to the children's life and at the same time awakens their religious awareness.

CAMPHILL VILLAGE: BEGINNINGS AND FUTURE

Camphill Village, U.S.A., is located in a quiet farming valley of upper New York State among the scenic foothills of the Berkshires. A 200-acre farm with two houses and barns, made available by a generous friend, provided the nucleus of the village, and in the autumn of 1961 a Camphill community started with the arrival of a few villagers and a staff of five coworkers and their children.

In the first year two adjoining properties were incorporated, extending the land to 500 acres with a total of four houses. This made possible the admission of more villagers, a rounding out of the staff, and a widening of the scope of farming, crafts, and educational activities.

In the spring of 1963, building of the first new house was completed, a house specially designed by an architect who is acquainted with all the particular conditions of life at Camphill Village. With this step a new phase of growth has started which should stretch over 7 to 10 years. Slowly house after house will be added to form a small, self-contained village. A community hall and chapel will be built, more workshops, an administration building, a village store, as well as a showroom and reception hall, a coffeeshop, storage sheds, barns for more livestock, a parking lot, a swimming pool and other facilities. This ambitious program—for which ample funds will have to be raised—will be pursued steadily and energetically, even though it must be allowed to develop organically, without undue haste.

An ultimate population of villagers and coworkers totaling 150 to 180 is the self-imposed limit. One can expect to have reached a very comfortable and efficient division of labor with this number, while the structure of the community still allows—as is demonstrated in Botton Village—a sufficient variety of work for each individual, avoiding overspecialization and monotonous repetition which would be detrimental to villagers and staff alike.

THE VILLAGERS

The young men and women accepted into the village organism are selected from several viewpoints. They must be over 17 years of age and able to take entire care of their personal needs such as washing and dressing. They must be physically well enough not to require constant medical supervision and they must be fully ambulatory. They must show promise of an ability to perform a sizable amount of useful work under proper guidance, and they must be capable of developing some awareness of themselves as human beings and members of society. Excluded are persons too deficient to meet these requirements and, on the other hand, those so close to the generally accepted standards of normalcy that they could somehow manage to live on their own and earn their living by holding down some undemanding job.

The value of the village idea can be gaged by the fact that for those eligible the alternative to this chance of a useful and dignified life is either to remain indefinitely in the family circle or to be committed to a hospital or institution. Remaining at home usually engenders innumerable hardships, not the least of which is the uncertainty of the future of the retarded son or daughter when the parents die, while the latter rarely offers more than a vegetative existence, devoid of joy, productiveness, hope or purpose.

In the village the retarded person—now called the "villager"—is not considered a "patient" by his guiding coworkers. This must be stressed in order to clarify the philosophy and practice of life at Camphill Villages, based on Rudolf Steiner's spiritual concepts, on Christian thought, and on simple human capacity for love of one's fellow man.

THE COWORKERS

What, beyond the interest in retarded people, forms the common tie among those who have taken up life together in Camphill Village and other communities within the Camphill movement?

Several years before the founding of its first school for children in need of special care, a group of young people, then homeless through the exigencies of war and spiritually at crossroads, discovered a strong kinship: their mutual interest in Rudolf Steiner's teachings. This group, which later became the nucleus of the Camphill movement, pooled their slender material resources and their ardent spiritual efforts under Dr. Koenig's guidance and set up a common household. They soon looked for responsibilities and an opportunity to apply their ideas to some practical task. They took in mentally retarded and otherwise troubled children and worked with them and for them.

In today's worldwide Camphill Movement as in its earliest stage, the patience and strength of those engaged in helping the handicapped should not be misunderstood as pity or mere self-effacing devotion to a chosen duty. The enthusiasm they bring to the task stems in the first place from a deep concern for the destiny of each human soul. They believe in a spiritual entity in all men, whether they are handicapped, average or exceptional. They unite in striving toward a community which will reflect their spiritual aims in all aspects of life: the working of the land, the building of houses, education, human relationships. In this positive and creative approach they find the resources to carry with them—rather than to nurse—the mentally handicapped in their care.

The full-time volunteer coworkers receive neither salary nor any other monetary compensation. This might be puzzling to some readers and requires an explanation. The coworker in the Camphill movement is not hired to do a job but is a partner in a community enterprise.

The history of community living reaches far back through the centuries. Time and again groups of people, united by common goals, have lived together, sharing the ownership of commodities and the profits of their labor or else renouncing personal possessions. The concept of community life in Camphill Village has developed along lines of its own. The person joining as coworker—people from all walks of life and from all age groups have done so—is free to keep what he happens to own, much or little: Money, real estate, car, books, or anything else. As a member of the movement he is maintained in the same way as any of his colleagues who might be penniless, and assumes the same obligation to contribute his full working ability to the common cause.

Funds to operate this nonprofit and tax-exempt organization may derive from a variety of sources: Fees paid by the villagers' parents, fund-raising efforts, foundation grants, donations, government subsidies or the sale of village-made products. All money coming into the village, whatever its source now or in the future, is used exclusively for the running and the expansion of the community. Part of the current expenses is the complete upkeep of the coworkers, including food, shelter, clothing, medical care, as well as such cultural necessities as books or holiday trips. These commodities are furnished rather than the money to buy them and the Camphill worker, freed from the competitive fight for high income, advancement and prestige characteristic of commercial life, is able to concentrate with a quiet mind upon the task he has set himself.

His reward is his total involvement in his chosen work. He identifies himself with the village; it is his way of life, his responsibility, the thing he wants. He may be compared to a creative artist who does not work a fixed number of hours for the sake of a fixed remuneration, but devotes himself unreservedly to the accomplishment of what he feels needs to be done. His conscience and judgment dictate his working hours and no arbitrary hiring and firing determines the length of his stay in the community.

* * * * *

ECONOMICS

The village is a self-contained economic unit and every person living in it supports himself, or is trained to do so, to the extent of his capacities by contributing his share of work, great or small. The community works toward eventual self-sufficiency, shaping its policy from the encouraging example of Botton Village and other Camphill settlements abroad. Here as there, more and more of the food requirements are met by home-grown produce, thanks to a herd of dairy and beef cattle, other livestock and the intensive cultivation of grain fields and vegetable gardens.

All farming and gardening is done on the biodynamic principle. No chemicals, artificial fertilizers, or dangerous insecticides are used, no dubious speedup methods are allowed to interfere with the healthy growth of high-quality produce.

Surplus produce and homemade bread are sold to outside customers. As for workshop products, Botton Village again points the way, where more than 60 percent of the total operating expenses are now defrayed through the sale of the villagers' handmade products: Woven goods, soft dolls, wooden toys, pottery, glass etchings, hand-dipped beeswax candles. The British Government, it is interesting to note, recognizes that the handicapped individuals, so well on their way toward self-support at Botton, would otherwise have to be placed in institutions at public expense. Therefore—at a definite saving to the taxpayer—the Ministry of Labour chose to support the Camphill movement by regular subsidies.

It is not possible at present to operate in the United States without collecting fees for the villagers' upkeep; these fees will be reduced in time or abolished altogether. Eventually the balance between production and expense should be so favorable as to permit a high degree of economic independence.

Nonetheless even now, should the death of parents or guardians terminate the payment of fees for their villager, he will not be turned out, he will be carried by the community in recognition of his contribution of work and of his status as partner in a common enterprise—not a burden but a human being with a function in a social organism, working for his own future by working for the whole group.

Thus Camphill Village hopes to provide a creative answer to a grave problem, capable of wide application. It offers a positive answer because it does not grudgingly allow the handicapped the minimum means for some shadowy existence, locked off from the world; neither does it pretend by the encouragement of merely outward imitation that he can or should join in all manner of activities and customs which may hold less meaning or enjoyment for him than for others. Instead, it strives to enable him to unfold his maximum personal potential with self-respect, in an atmosphere of dignity, confidence, and cheer. He is offered the benefit of a sheltered community built entirely around him, his needs, and his capacities.

It is through his village that the retarded young adult who could never do so on his own, can integrate step by step into the larger world around him. Thus the village itself may emerge as an economic and cultural factor among neighboring communities.

A LEADING NEW JERSEY NEWSPAPER SUPPORTS URBAN TRANSIT BILL

Mr. WILLIAMS of New Jersey. Mr. President, one of New Jersey's leading and largest newspapers, the Newark News, has editorially endorsed the administration's urban transit bill, which I was pleased to sponsor and which has passed the Senate.

I call attention to this extremely cogent editorial, appearing February 1. This newspaper has always had an outstanding reputation for careful evalu-

ation of legislative proposals at the Federal level. It generally takes the position that problems facing our Nation ought to be solved by local initiative and by the level of government closest to the problem.

For that reason, the editorial giving such strong support to my bill is all the more significant and deserves, I believe, the attention of the Members of Congress.

Therefore, Mr. President, I ask unanimous consent that this excellent editorial entitled "An Urban Need," published by an outstanding newspaper in New Jersey be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN URBAN NEED

Another argument for increased Federal aid in improving urban mass transportation facilities is offered by Executive Director Tobin of the Port of New York Authority.

At the National Conference of Urban Transportation he asserted the problem has become nationwide and that while cities and States have made heavy contributions, the need for modernizing equipment exceeds their financial resources. They can, he pointed out, underwrite operating deficits, but not capital requirements.

To the standard complaint of rural legislators that the urban mass transportation bill commits the Federal Government to a vast new spending program, Mr. Tobin has an answer. He says the purpose of the bill is consistent with the pattern of Federal aid for highways, airports, and waterways and other facilities and services of national concern.

The urban transportation program has the strong endorsement of President Johnson, who pointed out in his State of the Union message that "every American community will benefit from * * * the improvement of urban renewal and public transit." But Mr. Johnson confronts the same resistance that thwarted President Kennedy. The rural legislator is never so budget-conscious as when he is considering a proposal to spend money in the cities.

The country Congressman supports multibillion-dollar farm subsidies, the pork in the rivers, and harbors bill, and such projects as the Arkansas River waterway, which will enable water carriers to underbid the railroads for millions of tons of freight business, but the subject of efficient urban mass transportation, upon which depends the prosperity of areas furnishing most of the Nation's tax revenue, starts him talking about local and State responsibility.

If urban and suburban taxpayers were not saddled with the costs of Federal projects for the benefit of rural areas, they could solve their transit problems unaided. As it is, they have a right to expect the Federal Government to be as interested in moving city workers as in shipping wheat and rock phosphate down the Arkansas River.

If, as Mr. Tobin points out, the Federal Government can undertake a massive effort to develop a supersonic plane, it should be able to afford a substantial contribution toward the development of new rolling stock and other equipment for ground transportation. It is generously supporting every form of transportation except the basic one needed to get people to and from work.

WESTFIELD, N.J., WOMAN HONORED BY B'NAI B'RITH

Mr. WILLIAMS of New Jersey. Mr. President, the Westfield-Mountainside, N.J., chapter of B'nai B'rith has presented its Citizenship and Civic Affairs Award for 1964 to Dr. Jane Spragg, physician, educator, and humanitarian.

B'nai B'rith, founded in New York in 1843, is the Nation's oldest service organization. Throughout its history, B'nai B'rith's service to all faiths has distinguished its motto, "Harmony, Benevolence, Brotherly Love."

This year's award winner, Dr. Jane Spragg, through her unselfish contributions to community and civic affairs, has given renewed significance to the individual's responsibilities of citizenship. Dr. Spragg is a member of the board of the tutorial service she initiated at the Westfield Community Center and a former member of the board of education. She is a physician for the planned parenthood clinic, a trustee of the Westfield Area Committee for Human Rights, and a Sunday school teacher. Aside from these activities, Dr. Spragg is the dedicated wife of a minister, with whom she at one time served as a missionary to Puerto Rico, and the conscientious mother of their five children.

Mr. President, every community needs foresight and leadership. My hometown, Westfield, is among the communities in which conviction and dedication to hard work have been translated into community progress. We owe our gratitude to Dr. Spragg and the B'nai B'rith.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the account from the Plainfield (N.J.) Courier News of B'nai B'rith's presentation of its award to Dr. Spragg.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

B'NAI B'RITH UNIT GIVES AWARD TO WESTFIELDER

WESTFIELD.—Dr. Jane Spragg—physician, educator, and humanitarian—was presented with the 1964 Citizenship and Civic Affairs Award by the Westfield-Mountainside B'nai B'rith and its woman's chapter last night at Temple Emanu-El.

The guest speaker was Senator HARRISON WILLIAMS, JR., Democrat, of New Jersey, a local resident who was a student at Berlin College at the same time as Dr. Spragg.

The citizenship award, which was presented by Mrs. Michael Wuhl, cochairman with Dr. Bernard Layton of the selection committee, was given to Dr. Spragg "in recognition of outstanding service in community and civic affairs and general advancement of citizenship responsibility." She was selected for the honor by a panel of judges comprised of the mayors of Westfield, Mountainside, Fanwood and Scotch Plains; H. D. Merrill, Jr., last year's winner, Mrs. Wuhl and Dr. Layton.

In accepting the award, Dr. Spragg said she had always thought people were honored for doing something difficult and perhaps a little distasteful, whereas she has done exactly as she pleased for the past 10 years. She went on to say that organizations are valuable not for their boards and officers but for the workers, which she termed "the guts" of any organization.

RETIRED THIS YEAR

Dr. Spragg retired this year as a member of the board of education. She started a tutoring service at the Westfield Community Center and is a member of the board, is a physician for the Planned Parenthood Clinic, a trustee of the Westfield Area Committee for Human Rights, teaches Sunday school, is the mother of five children and at one time served with her husband, the Reverend Howard Spragg, as a missionary in Puerto Rico.

WILLIAMS, who arrived late because of quorum calls on the civil rights bill in Washington, devoted most of his remarks to doing something for our "most priceless resource—young people."

WILLIAMS mentioned the thousands of young people who don't have the opportunity to go to college, either for economic reasons or because of lack of motivation. Some of these young people don't even have the opportunity to finish high school, he said.

The Senator said there is legislation pending which would permit high school students to work up to 20 hours a week under public auspices to earn part of the family income and continue in school. In regard to motivation, he cited the Princeton experiment where the smarter students tutor the slower ones.

ON SCHOLARSHIPS

In regard to college educations, WILLIAMS said scholarships ought to be made available for up to 100,000 qualified youngsters each year. For others, who do not qualify for a scholarship there would be a loan program payable after graduation.

WILLIAMS also mentioned the young women forced to drop out of school and the women with small children who are working mothers. He suggested the girl dropouts be taught homemaking, given an allowance and put to work in the homes of these working mothers. He also spoke of the Peace Corps and said the same could be applied in this country.

In closing, WILLIAMS said our most fundamental mission is seeing that Negro children are given the opportunity for a full life so they don't develop scars in their hearts.

Among those present to honor Dr. Spragg were Mayor Burr A. Towl, Jr., Dr. S. N. Ewan, Jr., superintendent of schools and Gordon Duncan, former member of the board of education and the past awards winners—Raymond Grant, former director of the YMCA; Mrs. Bruce Kimball, former member of the board of education, and Merrill, active in youth affairs.

RESEARCH: EDUCATION'S NEGLECTED HOPE—ADDRESS BY HON. FRANCIS KEPPEL

Mr. MORSE. Mr. President, as chairman of the Education Subcommittee of the Senate Committee on Labor and Public Welfare, I have been for some time concerned about steps which can be taken to bring about a wider dissemination of educational research findings.

In my judgment, much stimulating research is currently being carried on in the field of education but I feel that our schools and colleges of education in many instances do not have the benefit of the research reports.

This situation has been called to my attention by Mr. E. B. Barnes, head acquisitions librarian at the University of Oregon, who urged that additional avenues be explored to bring the research findings more quickly to the front lines of education.

Since education is America's largest industry whose annual expenditure is in excess of $32 billion, I am surprised to find that we are currently expending less than one-tenth of 1 percent of our educational funds on research to develop new and better ways of teaching our young people. So it is with these twin considerations in mind that I read a speech by the Commissioner of Education which was presented before the

Congress of Instruction of the National Education Association here in Washington. The Commissioner gave a thoughtful speech which I feel will be of interest to all Senators.

I am particularly pleased that the Office of Education under his able leadership has taken the exceedingly important step of establishing two research centers for the testing of research proposals. One of these is located at the University of Pittsburgh and the other at the University of Oregon at Eugene. I think the philosophy of these centers as set forth by the Commissioner when he said, "We intend them to operate in much the same pattern as the agricultural experimental stations which have led so successfully to the diffusion of soundly tested research," gives excellent promise of reducing the timelag in the application of research findings which so disturbed him and should disturb many of us.

The Commissioner stated that in medicine for example, "the average lag between research and its application is estimated at 2 years. In education, the process often takes 30 years or more."

This is a situation which should be changed and I very much hope that through mechanisms such as the establishment of these research centers and through better and faster dissemination of research results to colleges of education we may be able to decrease measurably in the near future this too long delay.

Mr. President, I ask unanimous consent that the speech entitled "Research: Education's Neglected Hope" to which I have referred, be printed at this point in my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

RESEARCH: EDUCATION'S NEGLECTED HOPE

(An address by Francis Keppel, U.S. Commissioner of Education, Department of Health, Education, and Welfare)

I am delighted to be here this evening, to speak with you at this educational family gathering. The ties between the Office of Education and the National Education Association are strong and historic. They stem from our mutual interest in the continued growth and improvement of our educational enterprise. We are both in business to serve our schools so our schools may serve the Nation.

In meeting with you at your first Congress on Instruction, I am keenly aware of two guidelines you have set for your speakers. They are tersely expressed. Their meaning is admirable and clear. Your first guideline is that what is said and what is heard "should be an experience in inquiry for the participants rather than a rhetoric of conclusions." Your second guide is that "speakers should examine some basic assumptions."

This evening I hope to spare the rhetoric and accent the inquiry, to explore with you an arena of education which is exploration itself—the problems and promises of research in our educational enterprise.

In discussing educational research this evening—the ways and means of improving our educational system—I would like to make some assumptions and even draw some tentative conclusions. They will scarcely be novel, but they deserve emphasis and reemphasis. And instead of saving them all for the end of my remarks, I will pose them at the outset, using them as reference points for our inquiry:

First, educational research, in an era when research and development are greatly esteemed, is undervalued, underfinanced, and also under a cloud.

Second, the too-rapid adoption of untested educational proposals has often led to disillusionment as a result of early failures and, in the long run, to a painfully slow application of sound research.

Third, educational research is now making significant new beginnings, but they can succeed only with the concerted interest and effort of educators.

Now for my first point, the present status of educational research.

Since World War II, we have witnessed an astonishing growth in expenditures for research and development in industry and in government. Most industries today spend up to 10 percent of their gross revenues on research—and even more on product development. In medicine, the Federal Government alone spent $924 million on research in 1963 and, in agriculture, $173 million on research in the same year.

In the decade between 1951 and 1961, a total of $80 billion was spent by all sectors of our economy on research and development. These expenditures are still on the rise, now reaching an annual rate of almost $18 billion. These figures—$80 billion in a decade, $18 billion in a single year—contrast with less than $20 billion spent on all research from 1776 to 1948, through more than 170 years of American history.

This amazing growth in research expenditure has led to an equally amazing pace of development in science, in agriculture, in industry—to the chemical age in farming, to the antibiotic age in medicine, to the age of automation in industry, to the age of atomic energy and flight into space.

But now let us return to earth and to education. What of educational research in this astounding decade of growth? Have we, in education, kept in stride with the exploding advance of knowledge? Where do we stand in the employment of research and development for the improvement of our schools?

Today education is America's largest industry—with 125,000 schools, 47 million elementary and secondary pupils, 1,800,000 teachers, 100,000 administrators and supervisors, 144,000 local public school board members—and an annual expenditure for all levels of education of $32 billion. In an enterprise of this magnitude, an enterprise which at heart is designed for the exploration of knowledge and the development of human talents, we now spend less than one-tenth of 1 percent of our educational funds on research.

This expenditure—one-tenth of 1 percent—is not a figure from the distant past. It is, indeed, an improvement on the past. It marks the funds we are now spending on research at a time when we are at last beginning to get educational research underway.

Last year, the 88th Congress passed more significant legislation for education than any Congress in history and most of the new programs provide for research. Among them, the Vocational Education Act of 1963, for example, set aside 10 percent of its funds for research and development. Another advance is the expansion of the Office of Education's Cooperative Research Program, whose Federal allotment has grown from $1 million in 1957 to $11.5 million for fiscal year 1964.

This support from the Congress may be promising of better things to come. It could lead to a substantial emphasis on good educational research. If we hope to see this promise fulfilled, however, we had better look not to the Congress but to ourselves, to the traditional outlook on research in our educational enterprise. And here we have been far from enterprising.

Although blessed with such respectable forebears as Socrates and Darwin, Huxley and Compte and Galton, educational research has been under a cloud for years. The best of scholarly research has always gone to the subjects of education, rarely to the methods of education. As a result, the responsibility for educational research has been left almost entirely to the graduate schools of education which have labored long and valiantly but with usually dismaying results.

With some exceptions, educational research still suffers from early failings and lack of vision. Our principal faults from the past are these:

The most common form of educational research has been and is still the small easily managed research project. Focusing on miniature, obscure and noncontroversial issues, such projects are seldom worth the serious attention of administrators or teachers.

Educational research has been and is still short of the best minds needed for the best possible results. Without the best of researchers, we have yet to show an innovative, creative vigor matching our counterparts in medicine, science, agriculture and industry.

Most approaches to educational development have centered and still center on providing more of what already exists—more classrooms, more books, more courses, more visual aids, and more teachers, most of whom are not using what we already know as the result of research.

Our second principal failing is research in the self-defeating paradox of rushing at new ideas before their time and neglecting ideas whose time has come. Sometimes, in search of panaceas, we glibly accept currently fashionable ideas before they are sufficiently developed and tested. When such untested ideas fail to work out initially, we grow impatient, becoming gunshy of change. More often, however—and this is our traditional response—there is an enormous timelag before the best of innovations finally make their way to our schools, a resistance of education to the product of research that is unmatched in other fields.

In medicine, for example, the average lag between research and its application is estimated at 2 years. In education, the process often takes 30 years or more.

Perhaps the classic example is the span between the establishment of the first public kindergarten in America in 1873 and its general adoption by our educational system some 60 years later. In a pioneering and systematic study of the diffusion of new ideas in education, Paul Mort estimated this lag at a half century.

Mort, a student of the American educational process, examined the specific effect of nine new ideas on the Pennsylvania school systems from the late 1800's to the 1930's. Of these nine ideas, all of them adaptations of research, only two—the public kindergarten and special classes for the mentally retarded—showed any observable progress. And even after the 40 years embraced in his study, only 10 percent of the State's school districts had adopted these two innovations.

More recently, a lady college professor experimenting in a high school on curriculum improvement came to much the same conclusion. She conducted her study with considerable caution and then brought her results to the high school principal. The principal brushed aside the researcher's findings, told her that he was pleased with the experiment—not, it turned out, because of its merit, or how it might improve his school, but because it had not disrupted his classes. His farewell to the investigator was cordial. "It's been a wonderful experience having you here," he said. "You haven't bothered us at all."

Of course research should be bothersome, and troubling, and provocative. It should lead to change if it leads to anything. Otherwise, it is not worth the effort to put it in motion.

This distaste for innovation in many of our schools and a craving in a few for innovation almost for innovation's sake now disrupt and hobble the effectiveness of the best of our modern educational research. There are flaws in our present and financially limited approach to research, but the most destructive of flaws is inside our educational system, not outside it.

We need a recognized educational method for the rigorous testing of proposals that grow out of research. This has led to the establishment by the Office of Education of new testing centers where the findings of research may be soundly proved and developed.

Two of these proving grounds for education are now located at the University of Pittsburgh and the University of Oregon under an annual grant of $500,000 for each center. We intend them to operate in much the same pattern as the agricultural experimental stations which have led so successfully to the diffusion of soundly tested research.

Our objective is the diffusion of workable, vital changes in a day in which perhaps the only constant is change itself, a day when our schools are called on for a quantity and quality of education undreamed of in all our history.

And now for my third point, the new research programs now underway and the possibilities of expanding this effort through our concerted interest and effort.

In discussing our new research, let us examine briefly some of the projects of the cooperative research program of the Office of Education. To date, more than 2,800 research proposals have been received from colleges, universities, and State education agencies. Of these, approximately 750 have been accepted and financed.

Many of these projects have resulted in important advances in the theory of learning and instruction, in counseling and guidance techniques, in the use of special new tools of learning, in the adjustment of curriculums to meet individual differences, and in other areas.

Particular studies have shown that the rate of listening comprehension of blind children can be raised to levels above those for children with unimpaired sight—in fact, to four times the speed of Braille. Other studies show that some children previously identified as "mentally retarded" may, in fact, be youngsters whose capacities have been obscured by "retarded homes" and that their learning ability can be dramatically advanced when they are given special instruction.

Of broad scope are the variety of programs grouped under Project English—which now encompasses 75 cooperative studies in literature, language, composition, and reading skills, and ranges from preschool through college years.

The same sort of cooperative research is also taking place in science, mathematics, social sciences, music, and the humanities. The goal of these studies is to improve the content of curriculums by reexamining traditional aims, by developing subject matter based on current knowledge of human development and the learning process, by developing and testing new methods and materials, and by disseminating information about the most promising findings.

Other dramatic improvements in methods and materials distinguished the new foreign language programs developed under the National Defense Education Act. While reading and writing skills remain among the basic general objectives, they no longer have priority and new programs are devising means to insure that the student can learn to use and understand the pattern of the new language.

These programs give some evidence of a new look and new hope by focusing the research process on central problems in the schools and encouraging the involvement of schools in the process. But what of the results? What do they have to say to the teacher and the administrator? What difference can they make in the schools?

Let us be under no illusion. We are only at the beginning of a promising enterprise. We have plenty of work before the millennium.

Perhaps the greatest educational need today is in the field of reading. Every examination of the problems of our schools of poverty, every question raised by troubled parents about our schools, every learning disorder seems to show some association with reading difficulty. What does research have to say to the schools on the improvement of reading programs?

Three of the most important studies in the long history of reading research have now been completed. One of these studies demonstrates conclusively that the nature of the relationship between the spelling of a word and the sound of a word constitutes the major difficulty in learning to read and to spell. This may scarcely sound like a profound conclusion, but it will obviously focus attention on where to proceed. Based on these findings, new approaches to the teaching of reading are being developed. When this work is complete, a new world of simplified reading programs may be opened up for the schools.

In another study, researchers compared the form and complexity of children's vocabularies and sentence structure with those used in the traditional basic readers. They learned that children have much larger vocabularies and speak in far more complex sentences than are found in the "I-see-the-dog, you-see-the-dog" type of primer. A reform in reading texts may result from this study.

In a third important study, a group of scientists and reading specialists are studying children's reading and language development from elementary through high school. Among the preliminary findings are that southern Negro children, for example, have language patterns quite different from the standard and that learning to read is 12 times more difficult for them than for middle-class children in the North. This study can have considerable impact on reading programs for it demonstrates that the teaching of reading must be tailored to the language experience of the child.

I cite these three examples as merely a start toward what can happen, could happen, if we in education choose to make research a vitalizing force in improving our schools, if we accept it as a full-fledged member of our educational family, not as an unwanted, unwelcome poor relation.

This is our decision to make and our decision will be of primary importance and will prevail. If we decided to elevate research to the status it should have, then I see three principal objectives that should concern us.

First, we need to enlist the services of many good people already doing other important things—outstanding scientists, scholars, artists—creative, active people who can help to develop materials for the schools. We must allow these people to construct usable and practical approaches to better education. In seeking this new talent, we must welcome them into our schools, enable them to learn about the needs of our schools. They must communicate with the teachers. In reading, for example, the linquist and the psychologist must work with the reading expert—and all three, then, with the teacher in the schools. We need the scientists, the scholars, the artists—and we need articulation between them and those who will use what they have to offer.

Second, we must recognize that educational research cannot be isolated in a laboratory, that it will become stale and sterile unless it is extended to the classroom. This requires that we, in our schools, put aside our defensiveness and adopt an attitude of "let's try it and see." Is it true that ability grouping is beneficial to bright students? Let's try it out in our schools and see—try it under conditions which allow for the careful controls needed to evaluate its feasibility.

If we hope to succeed through research, we will need school systems which dare to experiment, to try new ideas, to find out if there are better means of teaching. And, above all, we will need these new research and development centers to test our ideas in detail before they are widely adopted.

Third, we need to broaden the frontiers of educational experimentation to cover the critical educational issues of our day. Let us develop an environment of questioning in our educational system, a climate for investigation rather than the vindication of existing practices, a habit of searching rather than languishing in the comfort of the status quo. When the researcher can show us that what we teach and how we teach it can be improved, let us say "Bless you" for his findings, not "Thank you for not disrupting our classes." Let us recognize that in the process of continuous experimentation and reform lies the only hope of keeping our schools in tune with the needs of our time.

The time for effective action is desperately short. We are caught in a revolution of change which demands an educational technology that is adequate to the role which only education can serve. Our opportunity to meet this demand will never be better than it is today.

CIVIL RIGHTS ACT OF 1963

Mr. MORSE. Mr. President, at a recent convention of the Federation of Telephone Workers of Pennsylvania, a resolution on civil rights was adopted.

I highly endorse the resolution. I commend the Federation of Telephone Workers of Pennsylvania for adopting the resolution.

I ask unanimous consent that the resolution be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS

Whereas the United States of America gathers its greatness from the heritage of those who fought for individual freedoms and human dignity; and

Whereas the Congress of the United States is currently debating the civil rights issue; and

Whereas resolution of this forceful concern can no longer go unattended: Now, therefore, be it

Resolved, That the Federation of Telephone Workers of Pennsylvania set forth a policy which has been harbored since the union's inception that the rights, opportunities, and responsibilities of all persons be equal, without regard to race, color, religion, ancestry or national origin.

SERMON BY BISHOP SMALLWOOD E. WILLIAMS, PASTOR OF THE BIBLE WAY CHURCH

Mr. MORSE. Mr. President, on April 19, 1964, one of the distinguished and

dedicated religious leaders of the District of Columbia, Bishop Smallwood E. Williams, pastor of the Bible Way Church, preached what I consider to be a very stimulating and inspiring sermon, in the course of which he called attention to some of the great opportunities that confront us in connection with the civil rights issue. It is a short sermon.

Mr. President, I ask unanimous consent that the sermon be printed at this point in my remarks.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

SERMON DELIVERED BY BISHOP SMALLWOOD E. WILLIAMS, PASTOR OF THE BIBLE WAY CHURCH, SUNDAY, APRIL 19, 1964

There are times that call for greatness of soul. This is one of those times—this crucial moment. This is the hour for greatness of spiritual power and magnanimous aim, as the Negro people struggle for freedom. At this moment, the legislative struggle of our generation is now in progress in the Hall of Congress in this city where we reside. The future of the Negro people and the tranquility of our Nation with world implication, are involved.

In my humble opinion, the time has arrived that a judgment should be made, that in event violence comes and blood is shed—God forbid—but such seem inevitable in view of the present filibuster in the U.S. Senate, the question, On whose hands will the blood of the slain be? The slain will be many. There is a rising tide of restlessness and resentment on the part of the oppressed Negro people throughout the United States.

Usually whenever a tragedy or a serious accident occurs resulting in the loss of life or heavy property damage, a court of inquiry is usually set up to determine responsibility; however, that is hindsight—but how much wiser it would be to foresee the possibility of such tragedy and remove the cause and prevent the accident or tragedy. The Bible says: "Where there is no vision, the people perish," but he that keepeth the law happy is he.

It does not require the vision of an eighth century Hebrew prophet to clearly envision exactly what we in America are facing in the social revolution that is now in progress. That precious commodity time has run out on us.

The legislative branch of the Federal Government should accept its moral responsibility and act promptly to save this Nation from violence, hate, racial shift, and bloodshed. The Senate should act now.

If this Republic believes in the democratic form of government, that is, majority rule, why not let democracy work? Vote on the civil rights bill now. The present filibuster in the U.S. Senate is a humiliation which the American people should be spared.

The oppressed are losing confidence in the legislative process. Political hypocrisy and procrastination and the rising tide of Wallacism and do nothingism is not contributing to the tranquility of the Nation.

In my judgment, there has been an ample and admirable display of patience on the part of the oppressed. Two distinguished Presidents of the United States, our precious President Kennedy, a Yankee, and Lyndon B. Johnson, a southerner, have most eloquently stated the case of the patience of the Negro people—for 100 years have since the Emancipation Proclamation.

Frustration and cyncism are now gripping the hearts and minds of our people. The present civil rights leaders are losing control of the masses. The new civil rights groups are being formed, whose devotion to the nonviolent concept has faltered.

Of the Congress of the United States, it surely cannot be said that this was their finest hour—rather, this is their worst hour. The whole proceeding would be comic were it not for the fact that the destiny of this Nation is riding on the outcome. It is said that Nero fiddled while Rome burned—future historians may write that the U.S. Senate filibustered while the United States failed its oppressed people. Where there is no vision, the people perish.

ADDRESS BY CHARLES S. RHYNE, ENTITLED: "THE RULE OF LAW AS A FOREIGN POLICY: WORLD PEACE THROUGH LAW"

Mr. MORSE. Mr. President, one of the great leaders in our country in the advocacy of the substitution of the rule of law for the rule of the jungle in a matter of foreign policy is Charles S. Rhyne, past president of the American Bar Association. He recently has given a brilliant speech entitled, "The Rule of Law as a Foreign Policy. World Peace Through Law."

Mr. President, I ask that the speech be printed in the RECORD at this point in my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE RULE OF LAW AS A FOREIGN POLICY: WORLD PEACE THROUGH LAW

(Address by Charles S. Rhyne, past president, American Bar Association, Washington, D.C., before American Society of Planning Officials, Statler Hilton Hotel Ballroom, Boston, Mass., Apr. 7, 1964)

I am highly honored to speak to you who through the rapidly growing profession of planning have done and are doing so much to make our Nation—particularly our cities—more livable. As a lawyer, I recognize that one of the main ingredients you use is law—largely new law. Through new revolutionary laws on planning an ever accelerating improvement in health, safety, and general welfare of city residents (and esthetics) has been wrought in the last 30 years. I take pride in having worked for 27 years as a lawyer with many of you in that legal revolution whereby planning law has been gradually created to serve the best interests of humanity.

Today I hope to sell you who make up this the "world's largest conference on urban problems" on using your proven planning capacity to help carry out another legal revolution. You who are already attuned to using law in planning for the best interests of humanity are asked to focus your minds upon what law and planning can do for humanity through achieving and maintaining world peace. A large order, yes, but just as attainable as was planning law 30 years ago when this great organization was created to carry your banner. Look at what you have done as evidence of what law and planning can do for world peace.

INSTANT SUICIDE

We live in an enormously complex, revolutionary, profoundly disturbed age, and a very dangerous world. A world where intercontinental ballistic missiles and submarine based hydrogen rockets make war between great nations instant suicide. A recent New York Times editorial put it well:

"Now the enemy of all mankind is war itself, for every war contains within it the possibility of escalation and therefore ultimately of annihilation for all or most of humanity."

The ugly fact that man can now destroy the world lends great urgency as well as great opportunity to the effort to achieve and maintain world peace by burying war under an avalanche of law.

INSTANT COMMUNICATIONS

Ours is also a world of instant communications as well as instant suicide. Whatever happens in Nepal or Naples or New Zealand or New York is known worldwide in a matter of minutes—or even seconds. Transportation and communications of our day have indeed achieved the "one world" Wendell Willkie and others popularized years ago. And this means that whatever happens anywhere can affect mankind everywhere—for good as well as evil. The main meaning of this situation is that great leaders of men can now reach most of mankind with their ideas. Space communications will make this all the more a fact of great importance in our day. In the fight for the minds of men the whole world is now a battleground. Thus ideas and plans can better operate worldwide today than ever before in all history, and most leaders of nations speak to the world as well as their countrymen.

CONTINUOUS CONFLICT

Ours too is a world of almost continuous conflict. Cuba, Cyprus, Vietnam, Indonesia, Cambodia, and other hot spots now in the current world spotlight will be joined by many other hot spots tomorrow. In the very nature of men and nations this will always be so. The strivings for trade and power, ambitions, growth, progress and human nature guarantee this. Force and counterforce are present at every level of human life and human endeavor. For challenge and conflict always will be the very nature of things in any progressive society. Sir Thomas Moore's Utopia is not to arrive in our world of diversity. We must accept the fact that there will always be conflict and lawbreakers will always exist. We must plan in advance to prevent conflict and for unprevented conflicts we must develop machinery to resolve these peacefully.

SEARCH FOR A POLICY

In Washington we are witnessing an agonizing reappraisal of our Nation's foreign policy. The outward manifestation of this is found in a number of important addresses delivered by leaders of the administration and by the opposition. Majority leader Senator MANSFIELD has called for a neutralized Vietnam "a la De Gaulle." Richard Nixon pointed out that a neutralized Laos meant we leave and the Communists stay, and opposed this for Vietnam. Ambassador Adlai Stevenson in his Hammarskjold Memorial Lecture at Princeton called for a new attitude toward world problems based on multiple centers of world power "in which the myth of monolithic blocs is giving way to a bewildering diversity among nations." Senator GOLDWATER urges continued buildup in our military power to offset the Russian bloc. Senator FULBRIGHT delivered a real "blockbuster" calling for the thinking of "unthinkable things"—a new policy on Cuba, Panama and a getting rid of other "myths" and errors he finds in our current foreign policy. Governor Rockefeller has called for a new foreign policy understandable to friend and foe alike instead of what he termed "130 different policies" covering each foreign nation.

AN INWARD LOOKING AMERICA

Prior to this great debate, I received a letter from a lawyer friend abroad who said, "The trouble with the world today is due largely to the fact that you in America have become too inward looking." Without agreeing with this as a fact, I do agree that an inward looking America spells disaster for us and for the free world. To me, that is the lesson of the years leading up to Pearl Harbor in 1941. Unless we take an active part in world affairs and provide strong leadership for the free world it becomes rudderless and confusion and disarray are bound to follow. Our alleged inward looking, it is claimed, has led to the crumbling

of NATO in Europe, SEATO in southeast Asia, and the OAS in the Western Hemisphere. Our influence is said to be going down all over the world due to what I believe is a false idea (but an idea which has received ever-increasing credence abroad) that we have abandoned our world leadership role. Various substitute leaders have offered themselves to fill this leadership vacuum, particularly Home of England and De Gaulle of France. But no such proposed substitute has spoken with sufficient vision, reason, idealism or authority to give his voice the authentic stamp of world leadership. The people are apparently still watching and waiting for our President to assume the responsibility of free world leadership.

A FOREIGN POLICY PLAN

The aim of the current debate on foreign policy is to persuade—to capture the minds of Americans for ideas which will demonstrate our world leadership. And in present day terms this means—or should mean—convincing the peoples of the free world as well as Americans. For the eyes of freemen are upon us. They are just as anxious as we are that the current debate turn out right.

They understand that in our democracy we debate and discuss and public opinion fluctuates until it crystallizes into a consensus. Then the consensus becomes a controlling force, and that force guides the foreign policy of our Nation.

I assume that all this current debate is leading up to a major exposition of our foreign policy aims by the President. And this is a good thing. Few people have a clear notion of what the United States is now trying to do in the world. There is a great need that we set forth our plans and our principles in terms the peoples of the world will understand. The only way out of our current dilemma is for the President to speak out in unmistakable words and tell the peoples of the world that we are not looking inward but outward. And that we intend to provide the type of strong world leadership which the free world so direly needs and which the unfree will respect.

I believe that to still the criticism and to demonstrate our leadership potential the President must put forth a plan for the world attuned to the need to avoid instant suicide by preventing or resolving peacefully the conflicts which may lead to nuclear holocaust. The plan must envision constant conflict and worldwide operation to lessen or peacefully resolve conflict. For such a plan the President need only turn to and follow the example of the human story. In the beginning man settled disputes in a fist fight, then with sticks and stones, and finally with guns. But gradually man developed law rules designed to prevent human interdependence from causing chaos and conflict. And law courts were created to decide disputes and punish lawbreakers.

This same evolution toward increased reliance upon law rules to prevent conflict and courts to decide disputes has been gradually taking place in the world community. It is a reasonable idea that since peace and order within nations came through the rule of law, peace and order among nations may be achieved by the same system.

All the President need do is put the resources and prestige of our Government squarely back of a plan to accelerate the growth of a world law system—a world legal order strong enough to do for the world what domestic law systems do for nations.

LAW UNIVERSALLY UNDERSTOOD

If the President would set forth such a plan or program the peoples of the world would understand and applaud. This is true because law is something everyone understands and practically everybody respects. Law is a term that has not been spoiled by verbal distortion as have such words as "peace" and "democracy." Law is everywhere known to be the familiar, the normal, indeed the only, alternative to force in organized society. The concept of a rule of law internationally as a program for peace, therefore, provides a positive, universally understandable[1] idea around which the President can rally the imagination and hopes of peoples throughout the world.

People know what law does within a city, state, or nation. They know that in the absence of law, fear and choas lurk around every corner as the lawless take over. But people do not yet fully realize what law can do within the world community. They do not realize what its absence does there. For law has never been used internationally in the way it can be and must be used.

BIG PUSH TECHNIQUE

I do not stand before you uttering an idea that is new or novel or personal. Utilizing the rule of law to achieve and maintain peace is an idea put forth by the Greeks 25 centuries ago. Like the idea of splitting the atom many have scoffed at it and claimed that a legal order for the world is impractical or impossible. But scientists have proved that nothing is impossible when the technique of the big push—the concentration of manpower and brainpower and money—is applied. This technique will soon put a man on the moon—an idea so fantastic as to be laughable a few years back.

We now spend some $15 billion each year on scientific research. Scientific research received only a pittance and took place in dreary basements 30 years ago during my day in college—or not at all—but it is now at the forefront of activity. Scientists are looked up to as among the great men of our day and complaints are heard from their national academy that they are so busy researching they disdain teaching.

What I propose to the President and to you is that he have our Government do for the rule of law internationally what it has done for science. The results would be just as dramatic and far-reaching in significance. For law can harness scientific achievement for man's benefit before it is used for his death.

A realistic program to make the rule of law meaningful internationally would get off to a good start today because so much has been done recently to further this idea. All agree that research is the key to progress in world law growth as it was and is in science. Let me not mislead, however, I would guess that we spend less than $2 million per year on legal research, and very little of that on world law, as compared to the $15 billion spent on science. Full-time legal researchers number perhaps 100 or slightly more, and few of these are working on world law, while scientific researchers number in the thousands.

JUSTINIAN'S 1,000 RESEARCHERS

Not since Justinian's time has any leader of a nation employed 1,000 researchers to write a code of law but he did it and so can we. For having done this for the Roman Empire Justinian's name, like that of all the great lawgivers since Hammurabi, is honored to this day.

Another Justinian who would employ 1,000 law researchers to write a world code of law today would find that much spadework has been done. In fact, the spadework was launched right here in Boston 5 years ago, on Good Friday just before Easter. Here the American Bar Association gathered the presidents and leaders of the State bar associations of the East plus some of the greatest experts on international law to help answer the question "What can law do to help achieve and maintain world peace?"

[1] It is not just in western movies that the "law" man is always the "good" man.

CARDINAL CUSHING-ERWIN CANHAM

Cardinal Cushing and Erwin Canham, editor of the Christian Science Monitor, made inspirational speeches which reverberated through the news columns and editorial pages of our Nation and abroad. The cardinal said of the meeting that it "may well be the most significant of our time, for it can set the pattern of the future of the world."

He urged among nations "the voluntary acceptance of a rule of law, replacing violence and force," so that men could, "live in a rational order of law governed by universal justice."

Erwin Canham said, "I have no doubt that it is possible this will indeed turn out to be a historic meeting, playing its part, I hope, as a precursor of the mobilization of large national efforts for the study and preparation of the terms of peaceful living under the rule of law. This job is still ahead of us. It is perhaps more urgent than any other job we face in our lives, and let's hope it will be undertaken and carried forward before it is too late."

MARSHALING WORLD'S LEGAL RESOURCES

Let me summarize what has happened since Boston in the American Bar Association's program to marshal the law resources of the world in the service of mankind:

1. Similar conferences of bar presidents and leaders were held in Chicago, San Francisco, Dallas, and Charlotte—all concluding that a rule of law for the world is now attainable if worldwide support could be mobilized.

2. The American Bar Association set out to mobilize support and secured the backing of leaders of the 1 million lawyers in 115 nations.

3. A working paper summarizing the status of existing international law and legal institutions was prepared by experts from throughout the world and put before Continental Conferences of bar presidents and law leaders in San Jose, Costa Rica for the Americas; Lagos, Nigeria, for Africa; Tokyo, Japan, for Asia; and Rome, Italy, for Europe.

4. The continental conferences developed a recommended program for a world conference and a revised working paper which was printed in French, Spanish, and English.

5. Over 1,000 law leaders from 105 nations met in Athens, Greece, last July to consider and adopt a program designed to achieve world peace through law—the end result being the creation of the World Peace Through Law Center to carry out a plan or blueprint designed to develop a world legal system with 95 committees to implement it. New and strengthened law rules on every subject of transnational interests are to be developed into a world law code and a world court system with trial courts, intermediate appellate courts and final appeals to the World Court at The Hague as key recommendations.

6. Chief Justice Warren and the president of the American Bar Association headed our representatives in Athens and men of like distinction came from other nations. It was the first truly world gathering of the legal profession and its far-ranging historic accomplishments have caused and will cause world law developments of great significance.

7. The world center is now in operation actively carrying out the Athens program. Its influence will undoubtedly grow as its work receives worldwide recognition and acceptance. The Athens documents have been reprinted in many languages throughout the world.

POPE JOHN

Looking back over these 5 years of the American Bar Association's intensive effort to organize the world's lawyers into an effective instrument capable of accelerating world law growth many highlights stand out. I mention only one: Pope John in receiving the delegates in Rome linked law, moral and religious principle, and the brotherhood of

man in an inspirational way none of us will ever forget. The support the conferences received from heads of state was likewise inspiring. A total of 89 such messages were received from President Kennedy, Chancellor Adenauer, Prime Ministers MacMillan of England, Balawa of Nigeria, Ikeda of Japan, Nehru of India, and many others. In fact, President Kennedy's interest was so great he sent messages to all four continental conferences and the world conference, and in a conversation I had with him just before going to Athens he urged that we lawyers not let the impetus achieved ever slacken as he had great hopes for concrete results due to the leading part lawyers play in public affairs of most nations. As a personal note, it seems unreal to think of that June day and the President so vitally alive to the world's problems in my current activity before the Warren Commission investigating his assassination.

Perhaps the most quoted phrase at all the conferences was from President Kennedy's inaugural address calling for: "a new world of law where the strong are just and the weak secure and the peace preserved forever."

A WORLD LEGAL ORDER

Such a vast undertaking as building a world legal order is difficult to capsule or chronicle in a few words. But I have touched upon a few highlights as evidence that the idea of world peace through law is on the march throughout the world. I would hope that even you expert planners will agree that the groundwork has been laid for great progress. Louis Brownlow once said "Without sound advance planning one seldom blunders through to great achievement." You know that the best plan is worthless without interested, informed and trained men to execute it. Above all, execution requires dedicated leadership. I believe our planning is sound and hope for great achievement as we have interested, informed and dedicated leaders of the bar in 115 nations who are pledged to carry out this program.

You can appreciate that if some great world leader would emulate Justinian and put 1,000 of the world's best legal researchers to work on a world code of law how welcome such a dramatic announcement would be to the peoples of the world, especially those lawyers in 115 nations now resigned to years of patient labor to accomplish what such a big push to bury war under law could accomplish in a short time. And do not say that such a development is impossible or wasteful daydreaming. As one piece of evidence that it is not, and as further proof of the ever growing tide of support which this program is receiving, I cite the fact that 10 days ago one lawyer personally gave the new Center $100,000 to build a headquarters building at The Hague or such other place as is selected.

LUCE AND POLITICAL LEADERS

Henry R. Luce, editor of Time-Life, in addressing the world conference in Athens pointed out that political leaders are bound to awaken sooner or later to the tremendous worldwide appeal of the idea of a world ruled by law and make it a platform for worldwide support. He said:

"In recent years it has become quite usual for politicians—or let us say, for statesmen—to use the word 'law' in their public speeches. This conference has received congratulations from scores of leading statesmen. But up till now, so far as I know, no President or Prime Minister has put the rule of law at the top of his political banner. No President or Prime Minister has made the rule of law the chief aim of his policy. Neither have any junior politicians done so, so far as I can recall.

"This is an extraordinary fact—and yet wholly understandable for many reasons. For one thing—and I do not mean to be cynical—politicians have not thought that 'the rule of law' would be a vote-getting proposition.

"But now, I think, the time has come when, here and there, and more and more, able politicians will see the good sense in adopting the advancement of the rule of law as a major theme of their foreign policy. The rule of law can become good politics.

"So, that is the matter of substance which it is in my heart to say to you today. Lay your plans well for a continuing organization—an Institute of World Law or whatever you may decide. And then both through that organization and as individuals, confront the politicians of every land with your proposition. The time has come for this decisive effort in world affairs."

I sincerely believe that if the President does not recognize and grasp the potential of the rule of law as a foreign policy some other world leader will. The leader who becomes the "law man" of the world will go down in history as the greatest of all leaders.

RULE OF LAW NOT UTOPIA

A world ruled by law would have room for diversity of national policies, for protection of the self-interest [2]—the vital interests—of nations. Such diversity exists under our national rule of law and a world legal order to prevent war by controlling conflict would perform in the same way. A rule of law internationally is not a cure-all. As stressed previously, conflict and lawbreakers would still exist under such a rule. This is true in England which prides itself on its rule of law, yet I have seen a mob in London's Trafalgar Square and read of Christine Keeler and crime in Soho. We too have mobs and scandal and crime under our rule of law. But as Winston Churchill once said, "With all its defects our rule of law is still the best system yet conceived by the mind of man." And so with all its defects would be a world rule of law.

RUSSIAN LAWYERS

You may say what of the Russians. So before closing let me give you my estimate based on meetings with Russian lawyers both inside and outside of the Iron Curtain. Russian lawyers are in many respects as able and knowledgeable as American lawyers except for one basic handicap: fear. I have no doubt but that if they had their choice between living in freedom or in fear they would choose freedom but now fear is their constant companion. Russian lawyers are afraid to say what they think. They are fearful to express agreement with their colleagues of other nations obviously because reprisals await if such agreements do not jibe with Communist ideology or dialog aimed at dominating the world. Until this fear is overcome progress in getting Russia to accept world law rules and legal institutions will be slow. They claim that because Russia adheres to such universally respected law rules as the Law of the Sea, the Law of Diplomatic Immunity, and the Postal Convention [3] this proves their willingness to abide by the rule of law. Yet self-interest and worldwide public opinion back of these law rules indicate why Russia goes along and really force her to go along. When one seeks to add to these universally accepted law rules such subjects as space, trade, or travel they balk. Self-interest and world opinion are not yet strong enough to force their acceptance by the Russians but it may soon be that strong.

Proof of the effect on Russians of public opinion pressure is found in the appearance of Russian lawyers before the World Court to argue against assessment of Congo costs against their country. They lost and so far they have not paid that judgment. I predict they will pay. They lose their U.N. membership if they do not pay, and self-interest dictates they must not lose that membership. Incidentally, they like to twit us about our unfortunate Connally reservation limiting our acceptance of the World Court and say they are on the same basis as the United States. They accept or reject the Court's jurisdiction case by case. This is a shameful situation and we should rid ourselves of Connally.

CONCLUSION

In conclusion, let me say that a broad and diverse area like foreign policy can rarely be wrapped up in a cliche or a phrase. But capsuling a policy into a familiar phrase is most helpful in these days when leaders of nations must aim for support in the minds of men throughout the world. A foreign policy expressed as the rule of law is a most readily comprehensible foreign policy among most of the world's people. They recognize it as a simple yet meaningful plan accommodating their diverse interests within the rule of right reason. It encompasses the best idea yet conceived by the mind of man for peaceful relations among men and nations. It does not attempt utopia but merely to prevent and control, or peacefully decide, conflict among men and nations. It embodies broad principles to which all right thinking men adhere. The world is surely but slowly moving toward such a rule. A plan for a world ruled by law is not beyond the capacity of those to whom it is addressed: the people of the world. While a world ruled by law has been dreamed of for centuries, the dangers, capacities and one world aspects of today give us a better chance to accomplish this goal than our predecessors. My plea to you is that you help speed the day of its attainment so it will arrive before atomic incineration is our lot. The day on which a world rule of law prevails will be the day that any man can travel anyplace on the face of the earth, or in endless space, in freedom, in dignity, and in peace.

[2] I strongly feel that Communist power must be matched always with a power margin of our own—the rule of law would not prevent that.

[3] Positive proof of the value of operation under law is found in the fact that transnational relations operate smoothly with a minimum of conflict in these three areas among all nations. All we need do is multiply them a thousandfold.

Mr. MORSE. I think it is particularly apropos that this speech be read by all Members of Congress, in view of the fact that our Government is bound and determined to engage in aggressive warfare in southeast Asia. I suggest that the speech by Mr. Rhyne be read as a sort of check on those in our Government bent on warmaking at this critical hour.

EDITORIAL COMMENT ON INVESTIGATION OF ROBERT G. BAKER, BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an editorial from the Washington Daily News entitled "Some of Their Own Medicine," being a comment on the investigation of Robert G. Baker, by the Committee on Rules and Administration.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOME OF THEIR OWN MEDICINE

The three reform measures suggested as result of the Bobby Baker investigation have merit—one of them in particular.

Lennox P. McLendon, special counsel for the Senate Rules Committee, says Senators,

officers, and employees of the Senate should be prohibited from associating "with persons and organizations outside the Senate who are engaged in conducting business with the Government."

We agree such associations may be open to suspicion, but such a prohibition would be pretty hard, if not impossible, to enforce.

He also urges Senators be required to respond to requests for testimony from any Senate committee. Why should Senators exempt themselves from obligations they impose freely on other citizens?

But Mr. McLendon's key proposal, made many times before and as often ignored, is that Senators, officers, and employees of the Senate make full disclosure of outside income and business interests.

A number of Senators have made such disclosures with FRANK CHURCH, of Idaho, the latest to add his name to the list. Others should come forward voluntarily. If they continue to hold back, the good name of the Senate requires a rulemaking disclosure binding on all.

There is nothing wrong with Senators owning corporation stock, having private law practice, etc., but their constituents should be informed as to its nature, enabling them to judge possible motives for action on legislation.

The Senators reserve the right to require this kind of strict accounting from top appointees in the executive departments of government, even requiring some to divest themselves of specific stock holdings. It is time they marched up like men and took some of their own medicine.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield, provided I do not lose the floor.

Mr. DOUGLAS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. INOUYE in the chair). The question is on agreeing to the amendments (No. 577) proposed by the Senator from Louisiana [Mr. LONG] to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. DOUGLAS. Mr. President, in view of the fact that this is the 60th day of debate and there seems to be no prospect that our southern friends will terminate their discussion, I ask unanimous consent that following the conclusion of the morning hour tomorrow and after 2 hours of debate, the Senate proceed to vote on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. I object.

Mr. ERVIN. I object.

Mr. DOUGLAS. I am deeply pained by the objection of our friend from Arkansas and our friend from North Carolina. There have been 60 days of debate. It is time for the Senate to get down to business. The jury trial amendment is merely a foothill in the discussion. I hope very much that our southern friends will not continue to tie up the business of the Senate and the country.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I wish to speak about McNamara's war in South Vietnam. It is regrettable that the United States has allowed itself to be put in the position of being haled before the Security Council of the United Nations for its actions in southeast Asia. For weeks, I have warned the Senate that inevitably McNamara's war in South Vietnam was bound to be cause for complaint in the United Nations. It is unfortunate that we have followed a course of action in southeast Asia that has laid the basis for the complaint in the United Nations. But once there—and we are now there—we should seek to bring the United Nations peacekeeping mission into the area to replace U.S. military forces in South Vietnam. This is the case that Ambassador Stevenson should make before the Security Council. It is the only case that is consistent with the United Nations Charter and with long-range American interests.

I repeat my deep conviction that the United States is acting outside the framework of the United Nations in South Vietnam. We are in violation of the United Nations Charter in South Vietnam. We ought to take advantage, at least, of the hearing before the Security Council to change our course and see if we cannot obtain support from within the United Nations to send into South Vietnam a United Nations peacekeeping force to bring to an end the killing, rather than to continue America's course of action of killing in South Vietnam. I speak not only of American boys—and I shall have more to say about them momentarily—but I speak of the killing of thousands of Vietnamese, as well, for they, too, are human beings.

What fills me with utter astonishment is that my Government is advocating killing in South Vietnam instead of stopping a war. We are advocating making war rather than promoting peace. If anyone believes that the course of action the United States is taking and proposing in South Vietnam will result in peace, he could not be more wrong, for the course of action by the United States in South Vietnam will result in more war, more killing, and more violation of the alleged idealism of my country.

I am aghast, too, to think that on the House side, after listening to McNamara, Rusk, and the others who are advocating more war in South Vietnam, voices apparently were not raised, suggesting that the United States keep faith with her obligations under the United Nations Charter. The sad fact is that today the United States, more than any other government in the world, is undermining, weakening, and threatening the survival of the United Nations. The United States, by its course of action in South Vietnam, is putting Khrushchev in such a position that when we move in against him in the future with a complaint before the United Nations as I fully expect we shall, after he proceeds to violate the United Nations Charter, he will say, "See who is talking"; and the rest of the world will laugh at us.

Why we have placed ourselves in this indefensible position, I am at a loss to understand. Why we have performed a great disservice to great leaders of this government of the recent past, leaders who did so much to bring into existence the United Nations Charter, I am at a loss to understand.

At one time the United States pledged itself to seek to preserve the peace; yet tonight the United States is conducting an illegal war in South Vietnam. It is a war clearly outside the United Nations. The United States is acting clearly as an aggressor nation, clearly in violation of the Geneva accords. Yet the United States is trying to alibi and rationalize its outlawry in South Vietnam.

Mr. President, a subterfuge is being carried on by my Government in regard to South Vietnam. The executive branch of the Government, conducting McNamara's war, is trying by indirection to obtain congressional approval of our illegal, unilateral military action in South Vietnam without coming forward with a request for a declaration of war. I fear that many Members of Congress will be sucked in. Apparently there are some who think it is good politics in these critical hours to wave the flag into tatters and thereby pay disrespect to the flag.

What Congress ought to be demanding of the President in answer to his proposal that Congress appropriate more money and send more boys to their death in South Vietnam is: "Mr. President, when are you going to send to Congress a proposed declaration of war?" Every Member of Congress who votes for the request by the President will, in my judgment, violate his oath to uphold the Constitution. In my judgment, no Member of Congress has the right, under the Constitution, to vote funds to send boys to their death in South Vietnam in the absence of a declaration of war. Senators can vote the appropriation requested by the President—and it is an unconstitutional request because of the purpose for which the money will be used—but the issue will not be ended by that vote. I predict today that in the months ahead millions of Americans will begin to ask, as the French finally asked the question, For what purpose is all the killing?

I say to the American people from my desk in the Senate this afternoon: "Remember that the request of the President is a request that will lead to the killing of more and more American boys in South Vietnam. It is a proposal by the President to kill American boys in a war that the United States is conducting, and which has never been officially declared. It is a war that the United States is conducting by directing a

puppet government to do its bidding. The United States, and not the military puppet tyrant we are supporting in South Vietnam, is in control in South Vietnam."

McNamara's war in South Vietnam is a U.S. program, outside the United Nations, in violation of the Geneva accords. American boys in increasing numbers are going to be sacrified in the shocking unilateral military action being conducted by the United States in southeast Asia.

Mr. President, this afternoon, from my desk in the Senate, I tell the American people that I have no doubt whatever that plans are incubating for escalating this war beyond the borders of South Vietnam. Escalation of this war beyond the borders of South Vietnam means outright aggression by the United States.

No one hates the Communist regime of North Vietnam more than does the senior Senator from Oregon; no one hates Red China more than does the senior Senator from Oregon; no one hates Red Russia more than does the senior Senator from Oregon. But, Mr. President, I do not propose to forget the international law I know, either. Therefore, so long as there is any chance of stopping my Government from following such an illegal course of action as the one my Government is following in South Vietnam, I do not propose to stop doing everything I can to try to get my Government back within the framework of international law. I shall try to get my Government to seek to follow the peaceful procedures of applying the rule of law, instead of the rule of American military might, in South Vietnam.

That is why I shall continue to say over and over again that we should reverse our course; we should ask the United Nations to take jurisdiction. We should put Russia on the spot, by seeing whether Russia will veto, in the Security Council, a proposal to have the United Nations send a peacekeeping corps into South Vietnam, a proposal which I would urgently ask Congress to support.

That is what the charge by Cambodia before the Security Council gives us an opportunity to do, for Cambodia has placed this matter before the Security Council and, in my judgment, has put us in a bad light, too. I have already referred to letters coming from servicemen in South Vietnam, who have pointed out that they have gone over the borders of South Vietnam. Of course, we know of one incident in which our forces were caught. The State Department and the Defense Department are still trying to alibi it, and the administration is still trying to alibi it, by saying it was all a mistake. But suppose our forces had not been caught invading Cambodia. Would an apology have been sent from the United States to Cambodia? We may be sure none would have been sent. That apology or confession went from the United States only for the reason that the American plane was shot down after it had dropped an inhumane fire bomb, had killed 16 Cambodians, and had burned a Cambodian village. The American pilot was killed as a result of the plane's being shot down. In that instance, we were caught "dead to rights" as an outlaw nation carrying on an aggressive course of action against Cambodia. Therefore, we sent an apology and offered to pay. But, Mr. President, American dollars do not erase violations of moral obligations, nor do they erase violations of international law.

What a bloody chapter of outlawry the United States is writing in its history, in connection with its course of action in South Vietnam.

At the present time, those of us who dare speak out against our Government's policy are being attacked; and I am even called a traitor by the little military puppet-dictator-pipsqueak in South Vietnam called General Khanh. What a disgrace to the history of the United States it is that we have ever given any support to such a person. We even read statements—from the executive branch of our Government—to the effect that our action in South Vietnam is for freedom. Whose freedom, what freedom, and freedom where, Mr. President? There is none in South Vietnam. Read what our correspondents are sending back from South Vietnam. Read what our news analysts are writing and saying about the corruption that exists in South Vietnam. Moore's article in the U.S. News & World Report points out that when one of the officers of the South Vietnam Army attains a high rank, one place where he will not be found is at the battlefront. Mr. President, what do Senators think would happen to the shakedown artists who compose the high military personnel of the South Vietnam Army if the United States stopped paying them the gravy they are collecting by way of the mercenary pay the United States is sending there? I never thought the hour would come when my Government would participate in such an ugly practice as the one in which it is participating now in South Vietnam—by which it is betraying our ideals of the past.

Mr. President, America's military might is no substitute for right.

No matter how powerful we are at the present time, we had better reread our history; we had better recognize that in generations gone by, other nations that substituted military might for right fell; and so will we fall if we continue to follow this course of action.

Mr. President, I am greatly concerned about the effect of America's course of action in South Vietnam on the future of the United Nations. I am very much concerned for the United Nations if we do not quickly retrace our steps.

Once again—as I have done so many times in recent weeks, here on the floor of the Senate—I reject the argument that we must go through with our course there, in order to save face. Save whose face? Since when has there developed in the United States a psychology that our "face" is important when we are wrong? The most handsome "face" we can show the world is an honest face, a face in which we reflect the image of national honesty. We should recognize and admit that we are making a great mistake in South Vietnam. We should ask the United Nations—now that we have been called before it as a defendant—to proceed to take jurisdiction over the war in South Vietnam.

Unless Ambassador Stevenson asks the United Nations to take jurisdiction, we shall find ourselves dragged into war not only in South Vietnam, but in Laos, North Vietnam, and Thailand, too. Such an involvement would cause untold American casualties. It could end only in withdrawal. For 8 years France fought in the territory that now comprises South Vietnam, North Vietnam, Laos, and Cambodia. She suffered some 240,000 casualties and spent more than $5 billion. She still had to withdraw. The American taxpayer, through the American Government, poured more than $1.25 billion into France's war in Indochina. Counting that $1.25 billion, the United States has already spent in South Vietnam $5.5 billion of the American taxpayers' money, not including the cost of maintaining our own forces and our own operations in South Vietnam.

Mr. President, the danger is that we shall be bogged down in South Vietnam for the next quarter of a century—if we avoid a third world war. But I speak solemnly when I say tonight that in my judgment the greatest threat to the starting of a third world war is the United States. The greatest threat to peace with the resulting possibility of bringing about a third world war in the world tonight is the United States. I make that statement because this illegal and unilateral course of action of the United States in South Vietnam could lead to a third world war. The cause-to-effect chain would go directly to the United States. If we go into North Vietnam, if we escalate the war into North Vietnam, we may start a nuclear war.

Turn on the television. Listen to the warmongerers. They are in both parties, Republican and Democratic. The Republicans and Democrats seem to be vying with each other to see who can advocate war faster. Republicans and Democrats, to their shame, are advocating hot pursuit. They are advocating going into North Vietnam. They are advocating going into Laos. Those two countries happen to be sovereign powers. I do not like them, but they happen to have the same sovereign rights in international law as does the United States. That happens to go for Cuba, today, in spite of a great deal of warmongering that has been going on today about Cuba. It still happens to be true under international law that Cuba has the same international law rights and sovereign rights as does the United States.

But once we become drunk on the liquor of warmongering, we tend to think that American military might can solve the problems of the world. The great danger tonight is that American military might may throw the world into world war III. I believe we are whistling in the graveyard if we think we can invade North Vietnam and Laos, and that Red China would then send us a message of congratulations, or that Khrushchev would get on the "hot line" between Moscow and the White House and say to the President, "Bravo. Go to

it. I am all for it." He may get on the hot line, but that will not be his message.

Now is the time for some sober thinking. Now is the time for some reconsideration. Now is the time for reappraisal. Now is the time for a rededication to our ideals. Now is the time for us to reverse our policy and pledge to the world anew that we are going to live up to our signature on the United Nations charter, which we are violating at this hour. If we do not, we shall commit the same folly that France committed. An expansion of the war into the same area and an expansion of casualties into the thousands would bring no more victory to the United States than it did to France.

Let the Americans who are now advocating a bigger war effort in Asia remember that Ambassador Stevenson has a great opportunity to put the United States behind the United Nations Charter by asking the Security Council or the General Assembly to put a peacekeeping United Nations force into Vietnam to keep the warring factions apart. That is the only way in which the war there can be confined and contained. Any other course of action would mean expansion of the war and ultimate disaster to the United States.

Next, I wish to make a suggestion to the President of the United States. Several days ago the President commented about a possible revision of the draft law. I have a suggestion for an immediate revision of the draft law. I say to him, "In view of the fact that you are conducting an illegal war in South Vietnam, and in view of the fact that you are asking for more money and more equipment with which to send more American boys to their death in South Vietnam, I suggest that you bring back all draftees at once and that you call for volunteers—a corps that wants to go over and participate in an illegal war. But, Mr. President, bring back the boys that you have sent over there by compulsion. Bring back the boys that had nothing to say about going into South Vietnam to die in a war that we should not be fighting. Mr. President, you have no moral or legal right to kill them. Let us be brutally frank about this. You will have to assume the responsibility for their killing because you, Mr. President, are ordering them to their deaths. So I make a suggestion tonight, Mr. President, that you announce to the American people forthwith that every boy that was drafted and sent into South Vietnam will have an opportunity to come home. I do not want them to be put in an embarrassing position. I want them brought home; and once brought home, if they wish to volunteer to participate in an illegal war in South Vietnam, they should be permitted to enlist."

I say from the floor of the Senate tonight that in my judgment sending American boys into South Vietnam under the American draft law is improper and unjustifiable, and it ought to stop. These boys ought to be brought back; and McNamara, Rusk, the President, and the warmongerers in the Congress who may wish to support this illegality ought to have to rely on enlistees who are willing to go over and fight in the jungles of South Vietnam.

I know that that is a tough suggestion, but this is no time to run away from the issue. I am hoping that the American people will take note of what is involved in the illegal war of the United States in South Vietnam and the great danger that is building up, not only for the future of this Republic, but also the great danger that is building up for the future of the United Nations. If the United States is allowed to get by with this one, we shall not be able to stop Khrushchev, Red China, Nasser, or any other tyrant in the world who wants to ignore the obligations of the United Nations, from getting by with it either.

Last, I want the American people to know that this country is acting unilaterally in South Vietnam. Our alleged allies have walked out on us. Our SEATO allies have welshed. There are no Australian, New Zealand, Philippine, Pakistani, Thai, French, or British soldiers dying in the jungles of South Vietnam—only Vietnamese soldiers and American soldiers.

I say to the American people, watch out for the semantics of this administration, for the officials in the administration are coining interesting word generalities about token support from the Australians, token support from the Philippines, and so forth. But none of their boys are on the battleline, and the support is truly token. It does not amount to a tinker's worth. This is a U.S. war, being conducted behind the facade of a U.S. puppet government, in clear violation of the Geneva accord. In fact, this country is audacious in suggesting that we have a justification for being in South Vietnam, because we assert the Geneva accords are being violated. If they are being violated, it is not for U.S. determination; it is for United Nations determination. The United States stands convicted of conducting a unilateral war in South Vietnam on the allegation that we are in there because the Geneva accords have been violated. This country has never laid a complaint before the United Nations. That also puts us in an indefensible position.

The U.S. Ambassador to the United Nations ought to have been doing something about it for some time past. I happen to think the Secretary General of the United Nations ought to have been doing something about it for some time past. That is why I put in the RECORD, the day before yesterday, the letters I addressed to Ambassador Stevenson and to the Secretary General of the United Nations, under date of May 14, asking in those letters what their position is.

I say to the Secretary General, we have a situation that is worsening in the United Nations. You have a solemn obligation to review the position of the United States with regard to South Vietnam and hold the United States to a United Nations accounting for an obviously illegal course of action under the United Nations Charter.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter I received from Mr. George J. Clauss, of Portland, Oreg., supporting the position I have taken in my opposition to the unilateral military action of the United States in South Vietnam. It is typical of hundreds of letters I have received.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PORTLAND, OREG.,
May 13, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You have, I am convinced, never been more right than in your May 6, 1964, report to your constituents as to our country's policy in South Vietnam. I feel that it is a strong, clear, accurate, and statesmanlike position. It is an historic and creative statement for which you have significant support in the Senate and in the Nation. But blind reactionary religious and military forces of the country, loud and influential, have a stranglehold on our policies so much so that confusion and apathy pertain. Time will prove that you were right. Acceptance of your suggestions would spare our country additional loss of American lives to say nothing of Vietnamese, vast additional expenditure worse than wasted and humiliation and loss of prestige abroad.

Sincerely yours,

GEORGE J. CLAUSS.

P.S.—Please send 20 additional copies of Senator MORSE's report of May 6, 1964.

Mr. MORSE. Mr. President, I repeat that my mail from across this country is running better than 9 to 1 in opposition to the U.S. course of conduct in South Vietnam in connection with McNamara's war. The mail from our boys in South Vietnam is voluminous. Likewise, it is running better than 9 to 1 in criticism and opposition to America's policies in South Vietnam.

Mr. President, these are the boys who, in order that we may be safe, are facing death over there day in and day out. They should be brought home, and the warmongers should volunteer to go over there. Let them go over there and do the fighting in South Vietnam, but bring back home the boys we have forced to go over there. In my judgment, the spirit, intent, and morality of the Selective Service Act is violated by drafting men and sending them to a battleline in the absence of a declaration of war.

When the proposal of the President to enlarge congressional appropriations for the South Vietnam war, in order to send more equipment to South Vietnam to fight that war, comes before the Foreign Relations Committee of the Senate, I shall fight it. When it comes to the floor of the Senate, I shall fight it. This is an issue which the American people must be called upon to face, for once they get the facts to decide, I am satisfied they will oppose this war. In fact on the basis of what they already know they are opposed to it.

As I said the other day, I do not "buy" the shocking argument of political expediency, the argument that we should wait until after the election. To the contrary, it is so important that the American people should decide it before the election, and, if necessary at the election.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. FULBRIGHT. Mr. President, Mr. Justice Black in his succinct and, I believe, very proper dissent from the opinion of the Supreme Court in the case of United States against Ross R. Barnett, et al., concluded with these words:

> It is high time in my judgment to wipe out root and branch the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury. It will be a fine day for the constitutional liberty of individuals in this country when that at last is done.

This admonishment should be heeded by the Senate in considering the addition of a jury trial amendment to the pending bill. The Senate should recognize that Mr. Justice Black did not exempt from his broad indictment of the practice of courts in summarily punishing those believed in contempt of its orders instances where judges impose a penalty of less than 30 days' incarceration or $300 fine. His indictment of this practice and his advocacy of a constitutional interpretation prohibiting this potential for judicial tyranny is plenary and it should be sanctioned by the Senate in the adoption of the Talmadge amendment to H.R. 7152.

The right of trial by jury was recognized by our ancestors only after centuries of struggle against the arbitrary practices of the Crown. The guarantee of judgment by one's peers in criminal cases is among the finest of the traditions inherited by the Colonies and subsequently by the citizenry of the United States of America. This fundamental protection of individual liberty was viewed by the Founding Fathers of our Nation as basic to democratic and constitutional government. In its absence no man is safe from the potential of authoritarian practices on the part of judges, prosecutors, and police, jointly and severally.

The right of trial by jury is traditionally one of the first civil liberties suspended by governments bent on totalitarianism. Jury trials are not quick, neat affairs. They are cumbersome and, on occasion, arduous, but our historical experience has proved that the best way to insure an accused person a fair opportunity to defend himself when charged by the State is to impanel a jury to sit in judgment on him.

The full awareness of this truth at the time our country was founded is evidenced by the fact that the right of trial by jury is mentioned in four different passages of the Constitution.

Mr. President (Mr. PELL in the chair), the sixth amendment to the Constitution reads as follows:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

I do not believe there is any amendment or section of the whole Constitution more important to the rights of individuals in this great country. All great countries, small and large, for that matter, have always been and are still confronted with the problem of reconciling an organization of the State as such, and the giving of sufficient power to maintain its integrity with the preservation of the right of the individual. This is at the heart of the difficulties of every country and every society.

This particular amendment has been one of the principal reasons why this country, large as it is, and diverse as it is, has done such a good job throughout its history in preserving personal liberty and personal freedom, together with a government strong enough to maintain its integrity and its national security.

These two elements are in a sense always more or less in conflict. And while we have suffered some difficulties, when we compare our achievements with those of other countries—certainly other countries of any great size—our record has been very good.

The sixth amendment has contributed as much as anything I know of in the Constitution to the achievement of a reasonably satisfactory result.

I ask, Senators, does anyone believe that that amendment should be lightly set aside by a play on words which amounts to saying that we now should give jurisdiction to a court of equity to enjoin all crime? If that be true, this amendment means nothing. If, as the bill attempts to do to a limited degree, we can turn the acts which have traditionally been considered crimes—and were considered crimes when this provision was written—into acts which may be enjoined, as the bill attempts to do, we shall have effectively negated the sixth amendment.

The seventh amendment to the Constitution provides as follows:

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

It will be noted that that is the common law procedure governing civil cases, as contrasted with criminal prosecutions referred to in the sixth amendment. But it is quite remarkable to me that even down to the amount of $20 the Constitution provides for the right of trial by jury. In other words, in a suit for $21 or $25, provision is made for the right of trial by jury. Of course, at the time this amendment was written, the dollar was worth much more than it is today. Nevertheless, the seventh amendment shows that even in civil actions involving matters as small as $21, the Founding Fathers thought it important to provide the right of trial by jury.

The fifth amendment to the Constitution provides as follows:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Here again, the fifth amendment, which is so often cited as the source of individual rights in many cases, provides specifically for a grand jury, which, in a sense, is quite similar. It provides that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury." So we can see in another part of the Constitution how concerned the Founding Fathers were with the protection of the individual through the devices of the petit jury and the grand jury.

Article III, section 2, of the Constitution provides as follows:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

We might well ask, Why was it that the provision, "The trial of all crimes, except in cases of impeachment, shall be by jury," was included? The Founding Fathers were still so concerned about the protection of individual rights that they reiterated, in effect, the provisions of the sixth and seventh amendments. It shows again how extremely important, how fundamental to our liberties, the Founding Fathers—some of the wisest men it has ever been our good fortune to have in this country—considered trial by jury to be.

Thus, in four different places in the Constitution and the Bill of Rights we find a specific guarantee of the right to trial by jury. In four places in the Constitution, the Founding Fathers sought to insure and retain the right to trial by jury, which right would most certainly be impaired in the most drastic way if the proposed legislation now before the Senate were not amended by the pending proposal offered by the junior Senator from Georgia.

It is to be recognized, Mr. President, that the Long amendment to the Talmadge amendment covers only cases arising under the provisions of the pending legislation. I suppose it will be said that the Talmadge amendment is too extensive, that the protection it would

afford is too broad. We are, of course, dealing with the content of H.R. 7152. Perhaps it is proper at this point for the Senate to deal only with the question of criminal contempts arising under this bill. However, Mr. President, it strikes me that as we are considering a civil rights bill those in support of this proposed legislation should be enthusiastic at the prospect of rectifying a long-standing deficiency in our criminal jurisprudence, a deficiency which exempts from the protections of the jury system defendants charged with criminal contempt of Federal court orders although they may suffer the same punishments as those indicated by a grand jury and adjudged guilty of such indictment by a petit jury.

Those who wrote the sixth amendment specified that all criminal prosecutions should carry the right to a speedy and public trial. Article III, section 2, says the trial of all crimes, except in cases of impeachment, shall be by jury. These are not qualified statements but declarations of a right considered by our Founding Fathers to be absolutely inviolate.

Let me hasten to say that I am well aware of the decision in the Barnett case where five Justices clung to the proposition that criminal contempt cases are somehow to be distinguished from crimes generally. The logic of this conclusion is hard for me to accept as, indeed, it was difficult for the four dissenting Justices who would have recognized not only a statutory but also a constitutional right to a jury trial on the part of the former Governor of Mississippi, the defendant in the case. Mr. Justice Goldberg and Mr. Justice Black wrote what I believe are truly outstanding dissenting opinions in the case. One passage of Mr. Justice Goldberg's dissent is, I believe, quite pertinent to the establishment of a constitutional guarantee in contempt cases and I would like to quote it for the Senate.

There is no question, Mr. President, as to what the law is. The ruling in the Barnett case is the law and it will be followed by inferior courts in the Federal system until such time as the Congress or the Court alters it. It is my personal belief that this issue will be confronted again by the Court and that the Barnett doctrine will be reversed. I feel confident that a majority of the Court will soon recognize that the constitutional provisions which I have recited contemplate all cases where criminal penalties are prescribed. If a conflict exists between the power of a court to maintain respect for its orders and the rights of an individual charged with such disrespect, I believe the Senate must opt for the individual and ultimately must also the court.

Mr. President, to place the amendment under discussion in proper context, I believe it would be helpful to the Senate to consider the Federal statutes now on the books relating to criminal contempt proceedings. Section 401 of title 18 of the United States Code provides:

A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—

1. Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
2. Misbehavior of any of its officers in their official transactions;
3. Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

Section 402 reads as follows:

Any person, corporation, or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.

Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

This section shall not be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced in this section may be punished in conformity to the prevailing usages at law.

Section 3691 of the same title, referred to in section 402, provides:

Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

And section 3692, which has come down through several recodifications from the Norris-La Guardia Act provides for jury trials in all cases of contempt arising from the laws of the United States relating to injunctions or restraining orders in labor disputes. The Congress, I believe, showed great wisdom in adopting this approach to the question of criminal contempt in labor cases in the first of the major labor relations acts passed in the past 35 years.

It should be borne in mind that section 3691 of title 18 provides that jury trials should not be available as a matter of right to those held in contempt of any "lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States."

This provision should be considered by the Senate in conjunction with those titles in H.R. 7152 which would vest unprecedented authority in the Attorney General of the United States to obtain court orders in the name of the United States. Under titles 2, 3, or 4, cases may be prosecuted in the name of the United States of America and any poor soul thereafter found in contempt of an order thus obtained would, under present law, have no right to trial by jury no matter what the nature of his offense.

In addition, under title 7 of H.R. 7152 the Equal Employment Opportunity Commission may seek judicial mandates to back up its findings of discrimination in employment. These orders too, if violated, would carry no right of jury trial under section 3691.

Mr. President, I have spoken of the fault in our jurisprudential system which permits the continued dispensation of summary punishment by judges for violation of their own orders. In the continuation of this practice we permit a single man—albeit a Federal judge—to sit in judgment on a complaint of their own initiation against an accused contemptor whose alleged offense is not in contravention of a statute, but rather violates an injunction framed and issued by the prosecutor-judge himself. This combination of powers in one man is contrary to the most sacred principles of Anglo-Saxon law and should not be tolerated by the Congress. It is destructive of the adversary system which has so long protected individual rights and liberties. It is an anachronism drawn from the time when equity was a simple process having as it function the protection of personal property rights and when the punishment was dispensed to achieve compliance with the chancellor's decree and were not severe.

On this question of the severity of punishment which has been meted out historically I would like to quote to the Senate a footnote in Mr. Justice Goldberg's dissent in the Barnett case:

The historical error on which the imposition of serious penalties for criminal contempts without a jury trial rests is not of the same character or duration as the historical error discussed in *Green* v. *United States*, supra, at 185, 190, 202. There the alleged error occurred before the adoption of the Constitution and has been a part of English and American law for almost two centuries. The Court was not prepared to overturn "at least two score cases in this Court." Id., at 190. Here the error has only recently become manifest and has never been explicitly legitimated by this Court.

The imposition of serious penalties for criminal contempts is a relatively recent phenomenon. From the foundation of the Republic until 1957 I am aware of only two isolated instances of imprisonment for longer than 6 months for criminal contempt brought to the attention of this Court. In re *Savin*, 131 U.S. 267 (1 year); *Hill* v. *United States ex rel. Weiner*, 300 U.S. 105 (2 years). Since 1957, however, our attention has been called to at least six instances where imprisonment of a year or more was imposed.

Nilva v. *United States*, 352 U.S. 385 (1 year and 1 day); *Yates* v. *United States*, 355 U.S. 66 (1 year); *Green* v. *United States*, 356 U.S. 165 (3 years); *Brown* v. *United States*, 359 U.S. 41 (15 months); *Levine* v. *United* States, 362 U.S. 507 (1 year); *Piemonte* v. *United States*, 367 U.S. 556 (18 months). By holding that no nontrivial penalty may be imposed for criminal contempt without a trial by jury, we would be correcting a fundamental, but only recently manifested, historical error.

Mr. President, I believe it is obvious that the punishment dispensed in criminal contempt cases has become increasingly severe as the nature of the injunctive process has changed with modern times. It is high time that constitutional rights of jury trial catch up with the evolution of the law which has substituted the injunction for direct criminal proceedings.

The Supreme Court in the Barnett case has shown an unwillingness to place an interpretation on the Constitution about which there should be no doubt. The Barnett decision that there is no constitutional right of trial by jury in criminal cases makes all the more plain the responsibility of the Senate. We should adopt a jury trial amendment to the pending bill and I believe it should be the Talmadge amendment.

As the Court in Barnett gave considerable attention to the historical precedence for its decision and because of the long standing respect for the jury as a fundamental protection of individual rights I would like to explore for a few moments the relation between equity and law and the monumental changes which have taken place in the former in recent years.

The common law courts of England were possessed of the power to try criminal cases and to hear such civil cases as arose in the relatively simple agrarian society of medieval England. The equity courts with the power of injunction did not adopt the use of juries for they were inappropriate for the determination of the issues involved in early equity proceedings. To capture for the Senate the inadequacies of the common law system and the resultant conflicts which produced the equity courts I would like to quote from the classic treatise on principles of equity by Henry L. McClintock:

In its early years, the court of chancery met opposition from two sources, the powerful ruling classes who were brought into the court for the reason that they could not be successfully dealt with by the common law courts, and the common law courts which feared the loss of their jurisdiction if the chancellors were allowed to expand their jurisdiction without limit. The result of the opposition was to establish the first great principle of equity jurisdiction, that it could act only when the remedy in the common law courts was not adequate. The power to administer equity could not be entirely taken away from the chancellors for even the common law judges recognized that they were doing some necessary things that the common law could not do, particularly administering uses.

The next opposition to the court of chancery on the part of the common law courts arose from the practice of issuing injunctions against the maintenance of common law actions and the enforcement of common law judgments. This opposition led to the express formulation of the principle that equity acts in personam, a principle which was inherent in the processes then in use for the enforcement of equity decrees. After the political aspects of the controversy had ceased, the application of these two principles enabled the two systems to exist side by side and to function without noticeable friction. The opposition to equity in the 19th century which led to the merger of the two systems was not the opposition of the common law courts, but of the public aroused by the intolerable expense and delay in equitable procedure. During the century, equity acquired the power to act in rem in many cases, either by statute or by judicial development, and the merger of the two systems of procedure into one system, administered by a single court led to a relaxation of the principle that equitable remedies were extraordinary, to be granted only when the ordinary remedies of the common law were not adequate. The result has been a theoretical controversy as to the actual relations of equity law and common law today, one school maintaining that there is actual conflict between them in all fields where equity attempts to intervene, and that in such conflict, equity prevails and the common law becomes merely illusory. The other school maintains that equity still remains a supplementary system and that there is little or no conflict between them. The controversy appears to be largely a question of definition of terms. It still remains true that the possessor of a common law right may bring an action for damages for an invasion of that right and recover judgment if the defendant does not invoke any equitable principle inconsistent with the relief. If the defendant does assert an equitable defense and it is sustained, the common law remedy for the breach of the right will be denied. Similarly a plaintiff who has both a legal and an equitable right may elect which remedy he will seek and ordinarily the court will grant what he seeks.

A problem with more practical aspects is the problem of the classification of equity in our legal system, and in law school curriculums. It has been earnestly advocated that we should no longer regard equity as a separate system, but as merely a part of each branch of the law with which it deals, remedies and procedure, property, contracts, torts, and so on. Whatever may be thought of the logic of that practice, it is apparent that it will be difficult to preserve the characteristic features of equity, its discretion and adaptability, if it is nowhere considered as a whole. If it is not, as some contend, inevitable that those characteristics will be lost anyway under the combined system, it is highly probable that they cannot survive when the various aspects of the system are separately treated and often taught and applied by men who have no adequate foundation themselves on which to base an exposition of the characteristics. The only hope for the preservation of equity lies in a continuous study of it as a system based on fundamental conceptions, but applied in all of the various fields of the law.

Mr. President, I yield the floor.

RECESS TO TOMORROW, AT NOON

Mr. ELLENDER. Mr. President, in accordance with the previous order, I move that the Senate take a recess until tomorrow, at noon.

The motion was agreed to; and (at 7 o'clock and 1 minute p.m.), the Senate took a recess until tomorrow, Thursday, May 21, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 20 (legislative day of March 30), 1964:

ARMY NATIONAL GUARD

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Donald Nicholas Anderson, O375021.

To be brigadier generals

Col. Richard Charles Kendall, O1104680, Adjutant General's Corps.

Col. Edward Donald Walsh, O422743, Infantry.

EXTENSIONS OF REMARKS

Wheat Plan Discriminates

EXTENSION OF REMARKS
OF
HON. ROBERT DOLE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 20, 1964

Mr. DOLE. Mr. Speaker, the so-called voluntary certificate wheat plan may favor wheat producers in Texas and other early harvest areas to the tune of between 50 cents and $1 per bushel.

Under present law, the price-support level will not change until July 1, and is presently $1.82 per bushel. On July 1, under the newly enacted program, the support price will drop to $1.30 per bushel, and the market will no doubt drop a like amount.

This, in effect, means that Texas wheat producers harvesting now, or who will be in the near future, will gain a tremendous advantage. The Department of Agriculture reports that the cash market price Monday, May 11, on No. 1 Hard Red Winter wheat at Fort Worth, Tex., was $2.50 to $2.60 a bushel. The law will permit Texas wheat producers and others in areas of early harvest, who are in compliance with provisions of the 1964 program to receive the present high market price and, in addition, diversion payments of between $5 and $8 per acre as well as certificates valued at 70 cents per bushel for 45 percent of normal production, and certificates valued at 25 cents per bushel for 45 percent of normal production. In other words, Texas and other southern wheat producers will receive between 50 cents and $1 more per bushel than Kansas farmers, which may explain the big